

1 IN THE DISTRICT COURT OF THE UNITED STATES
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

3 UNITED STATES OF AMERICA,)
4)
4 Plaintiff,) Judge Wells
5) Cleveland, Ohio
5 vs.)
6) Criminal Action
6 JAMES A. TRAFICANT, JR.,) Number 4:01CR207
7)
7 Defendant.)

8 - - - - -
9 TRANSCRIPT OF PROCEEDINGS HAD BEFORE
10 THE HONORABLE LESLEY WELLS
11 JUDGE OF SAID COURT,
12 ON FRIDAY, MARCH 8, 2002
13 Jury Trial
14 Volume 14
15 - - - - -

16
17 APPEARANCES:
17 For the Government: CRAIG S. MORFORD,
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19 Assistant U.S. Attorneys
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21 For the Defendant: Pro Se
22 Official Court Reporter: Shirle M. Perkins, RDR, CRR
23 U.S. District Court - Room 539
24 201 Superior Avenue
24 Cleveland, Ohio 44114-1201
25 (216) 241-5622
25 Proceedings recorded by mechanical stenography; transcript
 produced by computer-aided transcription.

Hassman - Direct/Smith

1 Friday Session, March 8, 2002, at 9:00 A.M.

2 DEANE HASSMAN

3 of lawful age, a witness called by the Government,

4 being first duly sworn, was examined

5 and testified as follows:

6 DIRECT EXAMINATION OF DEANE HASSMAN

7 BY MR. SMITH:

8 Q. Sir, would you please state your full name, and spell
9 your last name, both your first and last name for the court
10 reporter?

11 A. Deane Hassman, D-E-A-N-E, Hassman, H-A-S-S-M-A-N.

12 Q. Sir, where are you employed?

13 A. I am a Special Agent with the Federal Bureau of
14 Investigation, and I am currently assigned in Youngstown,
15 Ohio.

16 Q. And how long have you been assigned to the Youngstown
17 Resident Agency of the FBI?

18 A. I've been assigned in Youngstown since March of 1996.

19 Q. Sir, were you on active duty on March the 17th of
20 2000?

21 A. Yes, I was.

22 Q. What was your assignment that day?

23 A. On March 17th of 2000, I participated in a
24 surveillance that occurred originating at Jim Traficant's
25 farm. We were observing the farm because there was some

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1 activity going on that there was a tractor trailer truck at
2 the farm, and we believed this equipment or property had
3 been removed from the farm.

4 Q. Was there any other equipment that was visible other
5 than the tractor trailer rig from the -- from the street
6 area?

7 A. From the street, we also observed a boom crane type
8 lift truck next to the flatbed tractor trailer, and also,
9 there appeared to be some sort of possibly farm equipment.

10 Q. Where were you sitting on this surveillance?

11 A. I was about a quarter mile west of the farm, and we
12 had several units out there, and we had radio traffic to
13 identify when the vehicles would move from that location.

14 Q. So were you on the farm property in any way?

15 A. No. Agents from the FBI were on the farm property.

16 Q. What, if anything, did you observe next that day?

17 A. The flatbed tractor trailer left the farm with a
18 piece of farm equipment on the flatbed tractor trailer. We
19 had -- the FBI surveillance units at that point followed
20 and surveilled that tractor trailer.

21 Q. Okay. And did you personally engage in such
22 surveillance?

23 A. I did.

24 Q. Where did the tractor trailer rig with the equipment
25 on it go?

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1 A. It went -- continuous nonstop from the farm to
2 Brookfield, Ohio, and pulled into the parking lot of
3 Corilla Contracting in Brookfield.

4 Q. What happened there?

5 A. The tractor trailer remained very visible in the
6 parking lot. The driver of the truck went into the office.
7 A short time later he came back out, another individual
8 come out, got into a red pickup truck with Corilla company
9 markings on it. The tractor trailer then followed the
10 pickup truck into western Pennsylvania to a dairy farm.

11 Q. And do you recall what dairy farm that may have been?

12 A. I recall that the -- the signage on the property said
13 Dean's foods. We later learned that the exact property was
14 owned by Corilla.

15 MR. TRAFICANT: Could you repeat the name of
16 the farm?

17 Q. What was the name of the farm, Mr. Hassman?

18 A. Dean Foods.

19 Q. Thank you. Could you spell Dean to the degree you
20 recall?

21 A. Yeah, D-E-A-N.

22 Q. Thank you.

23 Sir, if you would, direct your attention to
24 Government's Exhibit 5-11 on the counter before you. Do
25 you see that, sir?

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1 A. Yes, I do.

2 Q. What -- do you recognize that item?

3 A. I do.

4 Q. What is it?

5 A. These are photographs that were taken during the
6 surveillance on March 17 of 2000. The top two photos and
7 the middle photo on the left are photographs of the tractor
8 trailer hauling the farm equipment. The middle photo to
9 the right and the two photos on the bottom are photos taken
10 at the dairy farm in western Pennsylvania.

11 Q. Do all six photos fairly and accurately depict the
12 scene as you viewed it on March the 17th, 2000?

13 A. They do.

14 Q. All right. Now, did you take any investigative step
15 with respect to the tractor trailer rig itself?

16 A. Yes, I did.

17 Q. What investigative step did you take?

18 A. We were able to obtain the license plate off the
19 tractor trailer rig, and we ran that license plate through
20 the Ohio Department of Motor Vehicles to identify the
21 registration of that license plate.

22 Q. And who did the license plate come back to?

23 A. It come back to the address in Petersburg, Ohio, for
24 Honey Creek Contracting.

25 Q. Having ascertained that, did you take any

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1 investigative steps with respect to Honey Creek

2 Contracting?

3 A. Yes, I did.

4 Q. What did you do first?

5 A. On April 26th of 2000, myself and another agent made
6 an unannounced visit to Honey Creek Contracting with the
7 intent of interviewing the owner and operator, Arthur David
8 Sugar, Senior.

9 Q. What was the nature of the business in which Honey
10 Creek Contracting is engaged?

11 A. It is a contracting company that primarily deals with
12 construction for underground utilities like laying of
13 waterline, sewer lines.

14 Q. And you indicated this was in Petersburg, Ohio?

15 A. That's correct.

16 Q. What county is that town?

17 A. It's in a suburb in Mahoning County.

18 Q. When you got there that day, who did you talk to?

19 A. I spoke to Arthur David Sugar, Senior.

20 Q. Did you make any requests of Mr. Sugar, Senior?

21 A. I did.

22 Q. What request did you make?

23 A. We asked David Sugar about any work that he may have
24 done for the Congressman and/or any work that his company
25 may have done at the farm. He indicated that the -- he

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1 did. I followed up. I asked him if he had ever billed for
2 or had any invoices for the work they done at the farm.

3 Q. At that point, was any documentation produced?

4 A. Yes. He asked us --

5 Q. Please describe how that happened.

6 A. Dave Sugar asked his secretary, Sue Beegle, to bring
7 in the Traficant invoice file. At that point, the
8 secretary brought in a manila folder, which was brought
9 into the office in my presence and opened in my presence.

10 Q. As the -- what did this folder look like?

11 A. It was a manila, typical file folder, just a generic
12 file folder.

13 Q. Were you able to observe the folder as it was opened?

14 A. Yes, I did.

15 Q. How many separate documents appeared to be in the
16 folder?

17 A. There were three different documents in the folder.

18 Q. And did you obtain copies of the documents that were
19 in that folder?

20 A. I did.

21 Q. If you would look at Government's Exhibit 5-8, 5-9,
22 and 5-13(7) on the counter before you and look up when
23 you've had a chance to review those documents.

24 A. Yes.

25 Q. Do you recognize those three documents?

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1 A. I do.

2 Q. What are they?

3 A. These are the three documents that were provided to
4 me on April 26th, my first provided by Honey Creek
5 Contracting.

6 Q. Provided to you by who?

7 A. By David Sugar.

8 Q. Senior or Junior?

9 A. Senior.

10 Q. Did Mr. Sugar produce any other documents that day?

11 A. He did not.

12 Q. Starting with Exhibit 5-8, what does that document
13 purport to be?

14 A. It was photocopy of a check from James Traficant,
15 Junior, dated December 23 of 1999, payable to Honey Creek,
16 in the amount of \$1,142.

17 Q. All right.

18 And Government's Exhibit 5-9, on its face, what does
19 it purport to be?

20 A. It's an invoice from Honey Creek Contracting, an
21 invoice to James Traficant, Junior, and the invoice is for
22 services rendered in April of 1999 for a delivery of
23 oversized stone delivery, pea gravel, digging and setting
24 barriers for a maneuver pit.

25 Q. Did Exhibit 5-9 show any payment?

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1 A. Yes, it did.

2 Q. And did that payment match any other number on any of
3 those documents received that day?

4 A. Yes. It showed a partial payment of \$1,142, which is
5 the same amount of the check from Exhibit 5-8.

6 Q. And then on to Exhibit 5-13(7), what did it purport
7 to be?

8 A. This exhibit is another invoice from Honey Creek
9 Contracting to James Traficant, and it is for services
10 rendered in March of 2000. Two items, one was for the
11 hauling of hay machines, and a second item is for labor for
12 the pouring of a concrete barn at the Island Drive address.

13 Q. Were you also on active duty on May the 18th of 2000?

14 A. Yes, I was.

15 Q. What, if any, assignment concerning this case did you
16 perform that day?

17 A. On May 18th of 2000, I served a forthwith subpoena on
18 Honey Creek Contracting.

19 Q. Was that a regular subpoena or forthwith subpoena?

20 A. A forthwith subpoena, which basically means that the
21 recipient was compelled to produce the documents, requested
22 in the subpoena that day on the date of the service.

23 MR. TRAFICANT: What date was that?

24 THE WITNESS: May 18th.

25 Q. Sir, how many times did you go out to Honey Creek

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1 Contracting?

2 A. That was my second time to Honey Creek.

3 Q. And then was there also a third time out?

4 A. Yes.

5 Q. All right.

6 So on the 18th, is that the second of the three
7 times?

8 A. That's correct.

9 Q. All right.

10 How did you make contact with Honey Creek to let them
11 know that the subpoena was coming?

12 A. Actually, I have to correct my testimony.

13 The -- the subpoena on the 18th of May has a regular
14 subpoena. We certificated the forthwith on a later day, on
15 the 18th of May, was a subpoena for additional records.

16 Q. How did you contact Honey Creek to let them know this
17 was coming?

18 A. About quarter of 5:00 on the 18th of May, I
19 telephoned David Sugar, Senior and told him I had a
20 subpoena for additional records, and I'd like to stop out.
21 And I could be there by 5:30, and I told him I'd be out
22 there that day.

23 Q. All right. How much time transpired between your --
24 the time you called and the time that you actually got to
25 Honey Creek to serve that subpoena?

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1 A. Approximately 45 minutes for my initial telephone
2 call to my arrival at Honey Creek.

3 Q. So you arrived approximately what time?

4 A. Approximately 5:30 P.M.

5 Q. When you called at approximately quarter to 5:00, who
6 did you speak initially?

7 A. Initially with the secretary Sue Beegle and
8 identified myself as a FBI agent, and she put me through to
9 Dave Sugar, Senior.

10 Q. What did you tell Dave Sugar, Senior during that
11 phone call?

12 A. I told him that I had a subpoena for additional
13 records, and that I would explain it in detail when I got
14 there and asked he would stay until I could arrive, and I
15 would be there about 5:30.

16 Q. When you arrived, what did you do?

17 A. I met with Dave Sugar, Senior and provided the
18 subpoena to him.

19 Q. In response to that, did Mr. Sugar do anything?

20 A. Yes. He took me into the area where his secretary's
21 office was or her desk was. She was gone at that point in
22 time, and he went to the file cabinet and pulled out a
23 manila folder with Traficant invoices in it.

24 Q. Now, how did that manila folder appear in comparison
25 with the manila folder you had seen on April 26th of 2000?

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1 A. It appeared to be the same folder.

2 Q. Was that folder opened in your presence?

3 A. It was.

4 Q. As the folder was opened, how many different
5 documents appeared to be in it?

6 A. There were approximately a dozen sheets of paper in
7 that folder.

8 Q. At that time, did you make any request of Mr. David
9 Sugar, Senior?

10 A. Yes.

11 Q. What request did you make?

12 A. I requested receipt of all the documents in that
13 folder and told him that the rest of the documents being
14 requested in the subpoena, which was some additional
15 accounting records, deposits, general ledger activities,
16 accounts receivable, if he could look for those and comply
17 with the subpoena based on the compliance in the subpoena,
18 but at that moment, I asked for those 12 documents out of
19 that folder.

20 Q. Would you please look at Government's Exhibit
21 5-13(2), 5-13(3), and 5-13(4) on the counter before you?

22 A. Yes, I have them.

23 Q. Sir, do you recognize those documents?

24 A. I do.

25 Q. And what are they?

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1 A. These are three invoices from Honey Creek Contracting
2 to James Traficant, all of which are received on May 18th.
3 All three of them are similar in content. They are
4 invoices for services rendered at Traficant's farm in April
5 of 1999. The only difference between the three invoices is
6 there is handwritten notations on the top of them. Exhibit
7 5-13(2) reads mailed June 30th. Exhibit 5-13(3) reads
8 mailed August 27th, and Exhibit 5-13(4) reads mailed
9 October 29.

10 Q. Did you compare the face of Government's Exhibit
11 5-13(2), 5-13(3) and 5-13(4) to Government's Exhibit 5-9,
12 which you had received on April 26th?

13 A. Yes, I did.

14 Q. And what was the result of your comparison by looking
15 at the face of the documents?

16 A. The new invoices that I received on my second visit
17 does not show a partial payment. It has the manual
18 handwritten notations as to when they were mailed. That's
19 the major difference between the invoices I got on May 18th
20 versus the one I originally received on April 26th.

21 Q. All right.

22 If you would now look at Government's Exhibit 5-13(5)
23 and 5-13(6) on the counter before you.

24 A. Yes.

25 Q. Do you have those, sir?

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1 A. I do.

2 Q. Do you recognize those two documents?

3 A. I do.

4 Q. And what are those?

5 A. Both of these exhibits also are documents I received
6 on my second visit on May 18th, and they are both invoices
7 for services rendered to James Traficant in March of 2000.
8 The first one, Exhibit 5-13(5), has a handwritten mailing
9 date at the top mailed March 31st, 2000, and the second
10 one, Exhibit, 5-13(6), has a handwritten notation mailed
11 April 27th of 2000.

12 Q. Sir, did you compare on their face Exhibits 5-13(5)
13 and 5-13(6) with Government's Exhibit 5-13(7), which you
14 had received on April 26th of 2000?

15 A. I did.

16 Q. And what was the result of that facial comparison of
17 the documents?

18 A. The services being billed were the same on all three
19 documents. The first Exhibit 5-13(5) just comes down to a
20 total invoice total. The next one, 5-13(6), comes down to
21 a total and then shows a balance forward, which equals the
22 amount from the 1999 services and comes down to a new total
23 due.

24 Other than that, they are similar in content to the
25 original invoice I received on my first visit on April

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1 26th.

2 Q. Did this comparison, the April and May documents,
3 cause you any concern?

4 A. They did.

5 Q. And what concern did it cause you?

6 A. There were several items on the invoice itself that
7 didn't seem to sit well with me. One was the invoices --
8 the invoices were undated invoices originally, and the
9 addresses on the invoices were incomplete. There was no
10 Zip Code on the billing address, which concerned me about
11 their mailing.

12 There was no house number on the street address, and
13 the street name on the invoice was to Island Drive on
14 Traficant's property, actually legally addressed to Main
15 Street in Poland, so my concern was whether or not they
16 were actually mailed.

17 Q. You're referring to a Main Street address. Are you
18 referring -- what type of structure are you referring to on
19 Main Street?

20 A. James Traficant, Junior's residence is located on
21 Main Street in Poland, Ohio.

22 Q. Based upon those concerns, did you take additional
23 investigative steps on May the 23rd of 2000?

24 A. Yes, I did.

25 Q. What investigative step did you take?

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1 A. On May 23rd, which would be my third visit to Honey
2 Creek Contracting, this is the visit in which I served a
3 forthwith subpoena for additional records.

4 Q. And was any documents produced to you on that
5 occasion?

6 A. Yes, there was.

7 Q. Now, who did you deal with at Honey Creek Contracting
8 on May the 23rd of 2000?

9 A. Sue Beegle.

10 Q. And she was who?

11 A. The secretary to David Sugar, Senior.

12 Q. Who was the person at Honey Creek Contracting that
13 produced documents to you that day?

14 A. Sue Beegle.

15 Q. And if you would direct your attention to
16 Government's Exhibit 5-13(1), do you recognize that
17 document?

18 A. You're referring to 5-14?

19 Q. No 5-13(1).

20 A. Yes, I have it before me.

21 Q. All right. Do you recognize that document?

22 A. Yes, I do.

23 Q. When did you first see Exhibit 5-13(1)?

24 A. On May 23rd of 2000.

25 Q. Is that one of the documents that Ms. Beegle produced

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1 to you?

2 A. That's correct.

3 Q. All right.

4 And -- excuse me a moment. Had this document
5 provided -- been provided to you on either of your two
6 earlier dates?

7 A. It had not.

8 Q. Did you compare Exhibit 5-13(1) on its face with
9 Exhibit 5-13(2), 5-13(3), and 5-13(4)?

10 A. Yes, I did.

11 Q. And what was the -- the result of that facial
12 comparison?

13 A. The text of the invoice, Exhibit 5-13(1), the text of
14 the invoice matched 5-13(2), 5-13(3), 5-13(4). The only
15 difference was there was no letterhead, no Honey Creek
16 Contracting letterhead on the top, and there were no
17 handwritten notations on it.

18 Q. In connection with Government's Exhibit 5-13(1), did
19 you ask Ms. Beegle to produce any other kind of computer
20 record concerning that document?

21 A. Yes. The forthwith subpoena required the production
22 of the computer files, which represented the word
23 processing files of the invoices that were previously
24 provided to us.

25 Q. All right.

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1 And if you'd now direct your attention to
2 Government's Exhibit 5-14(1), do you have that, sir?

3 A. I do.

4 Q. And do you recognize that item?

5 A. I do.

6 Q. What is it, sir?

7 A. It is a print screen, printing out the computer
8 properties, the characteristics of a word processing file.

9 Q. And specifically what file does -- did 5-14(1)
10 relate?

11 A. The file name was Traficant, and the word processing
12 file related to the invoice for services rendered in April
13 of 1999.

14 Q. All right.

15 And how specifically was this document, 5-14(1),
16 generated? Explain how that happened?

17 A. This -- the computer file itself was on the
18 secretary, Sue Beegle's, computer. We brought up the
19 properties on that file on the computer screen and then
20 subsequently did a screen print to the printer.

21 Q. Did you actually printout Government's Exhibit
22 5-14(1)?

23 A. I printed it out in the presence of the secretary.

24 Q. All right.

25 MR. SMITH: May I put this up, your Honor?

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1 THE COURT: Yes.

2 Q. Sir, does Government's Exhibit 5-14(1) provide you
3 any information about 5-13(1)?

4 A. Yes, it does.

5 Q. And specifically is there a line that says "created"
6 in 5-14(1)?

7 A. Yes. The properties of the computer file, it'll tell
8 you when that computer file was created and also tell you
9 the last time that computer file was modified.

10 Q. All right. And when was the document first created?

11 A. The document was first created March 29 of 2000,
12 which is nearly one year after the invoice for services --
13 the invoice represents.

14 Q. And what does the Exhibit 5-14(1) indicate about when
15 Exhibit -- the April 1999 billing was last modified?

16 A. The computer properties indicate that it was last
17 modified on May 18th of 2000 at 5:06 P.M.

18 Q. Now, May 18th of 2000, what had happened on that day?

19 A. That was the date that I served the regular subpoena
20 in which I telephoned to Honey Creek Contracting at about
21 quarter to 5:00.

22 Q. How many minutes after you called Honey Creek
23 Contracting does this computer record indicate the document
24 was last modified?

25 A. Approximately 20 minutes.

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1 Q. And it was 5:06 and 32 seconds P.M. before you got
2 there to serve the subpoena on May 18, 2000?

3 A. That's correct. It did not arrive in person until
4 about 5:30.

5 Q. Now, that acts -- next line, accessed Tuesday. May
6 23, 2000, you see that?

7 A. Yes.

8 Q. What does that represent?

9 A. That is being generated by the fact that we are
10 actually bringing up that file on the screen during my
11 visit on May 23rd, during the execution of the forthwith
12 subpoena. It shows that the computer is accessing that
13 file.

14 Q. Now, sir, if you would next direct your attention to
15 Government's Exhibit 5-14(2), do you have that, sir?

16 A. I do.

17 Q. Do you recognize that?

18 A. I do.

19 Q. And what is that?

20 A. This is the computer properties for another word
21 processing file. This word processing file was labeled
22 Traficant 2. This computer file translates to the second
23 invoice for services, which was the services rendered in
24 March of 2000.

25 Q. All right.

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1 And was the procedure for printing out Government's
2 Exhibit 5-14(2) essentially the same as the one that you
3 described for 5-14(1)?

4 A. It was.

5 Q. Did you personally print this out?

6 A. Yes, I did.

7 MR. SMITH: Your Honor, could I put this up?

8 THE COURT: Yes

9 BY MR. SMITH:

10 Q. Now, does that also -- that document 5-14(2) also
11 contain initial creation last modification and access
12 dates?

13 A. It does.

14 Q. All right. What was the date upon which the March
15 2000 bill was initially created, according to the document?

16 A. This computer word processing file was created April
17 3 of 2000.

18 Q. And did you compare that -- the date of April the
19 3rd, 2000, to the date of the invoice reflected, for
20 instance, on Government's Exhibit 35-13(5) and 5-13(7)?

21 A. I did. The date on those invoices, those invoices
22 were dated March 31st of 2000. Yet, the exhibit on the
23 screen reflects the file was not even created until three
24 days later.

25 Q. All right.

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1 Now, how about the modified line, what does it
2 indicate about last modification of the document?

3 A. This -- this computer file was last modified on May
4 18th of 2000, at 5:12 P.M.

5 Q. All right.

6 And how many minutes approximately after you had
7 called Honey Creek to tell them you were coming with the
8 subpoena was that document last modified?

9 A. Approximately 25 minutes.

10 Q. And was this document modified before you actually
11 got to Honey Creek to serve the subpoena that day?

12 A. Yes, it was.

13 Q. What does the third line access indicate?

14 A. Again, May 23rd is the date that I actually served
15 the forthwith subpoena, May 23rd, showing as being accessed
16 was us bringing it up on the screen to view the properties.

17 Q. All right. Sir, next, would I like you to examine
18 Government's Exhibit 5-23, 5-24, and 5-25 on the counter
19 before you.

20 A. Yes.

21 Q. And first of all, are Exhibits 5-23 and 5-24 bulk
22 exhibits?

23 A. Bulky exhibits, yes.

24 Q. Specifically 5-23, had you previously examined all
25 the documents in that packet?

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1 A. Yes, I had.

2 Q. And what constitutes Government's Exhibit 5-23?

3 A. Exhibit 5-23 is records that I received pursuant to a
4 subpoena to AT&T Wireless. They are cellular records for a
5 telephone, subscribed to by David Sugar, Senior at Honey
6 Creek Contracting.

7 Q. And specifically what cell phone number, if you are
8 able to identify it?

9 A. It's for cellular telephone number area code
10 740-591-5656.

11 Q. And this telephone cell phone is subscribed to by
12 whom?

13 A. By David Sugar at Honey Creek Contracting.

14 Q. Senior or Junior?

15 A. Senior.

16 Q. All right. And would you look at Exhibit 5-24? Do
17 you recognize those items, sir?

18 A. I do.

19 Q. And what are those?

20 A. Exhibit 5-24 is records I received pursuant to a
21 subpoena to Nextel Communications for a cellular telephone
22 that was also subscribed to by Arthur David, Senior at
23 Honey Creek Contracting.

24 Q. What was that phone number?

25 A. It was for cellular telephone area code

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1 330-233-1957.

2 Q. And with respect to Government's Exhibit 5-25, did
3 you examine Page 2-3 of Exhibit 5-25?

4 A. I did.

5 Q. And what information did you extract from Page 2-3 of
6 Exhibit 5-25?

7 A. A telephone number for MS Consultants, which was a
8 consulting engineer on the Higbee building demolition
9 project.

10 Q. For what purpose did you examine Exhibits 5-23, 5-24,
11 and 5-25?

12 A. For telephone activity. I reviewed those documents
13 to try and identify calls from -- from one number to
14 another.

15 Q. What types of information did you extract from these
16 records with respect to particular calls?

17 A. The cellular telephone records can provide you the
18 date that a call was made, the time that it occurred, the
19 duration of the call, as well as the number that was dialed
20 or called.

21 Q. Now, do these types of telephone records give you the
22 content of any of the conversation that occurred?

23 A. They do not.

24 Q. Do these types of records tell you who actually was
25 on the phone at both ends?

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1 A. They do not.

2 Q. So are these records then limited to showing contact
3 between one telephone number and another telephone number?

4 A. That's correct.

5 Q. Did you create any exhibit based upon your review of
6 these phone records and Exhibit 5-25?

7 A. Yes, I did.

8 Q. All right.

9 And directing your attention to Government's Exhibit
10 5-22 on the counter before you, do you recognize that item,
11 sir?

12 A. Yes.

13 Q. And is that a summary chart?

14 A. Yes. It's a summary of some phone calls that were
15 made that was prepared by me.

16 Q. All right.

17 And this chart reflects calls from what phone or
18 phones?

19 A. Exhibit 5-22 reflects some calls made from the AT&T
20 Wireless phone of Dave Sugar, Senior and also reflects a
21 summary of some calls made from the phone subscribed by
22 David Sugar, Senior from AT&T Wireless.

23 Q. Did you personally create this exhibit?

24 A. I did.

25 Q. All right.

Hassman - Direct/Smith

1 And does the exhibit accurately reflect your analysis
2 of what the phone records show?

3 A. They do.

4 MR. SMITH: Your Honor, may I put this up?

5 THE COURT: Yes

6 BY MR. SMITH:

7 Q. Sir, if you would start at the top of the document --
8 first I'll pull the whole document up -- and starting with
9 the -- David Sugar, Senior's telephone, would you explain
10 what your analysis shows, looking to the top portion of the
11 document?

12 A. The first two columns were from the Nextel cellular
13 phone. There was one call made on December 17th of 1999,
14 and it went to the congressional office of James Traficant,
15 Junior, in Youngstown. There was also one called on the
16 Nextel phone March 28th of 2000, and this was made to the
17 congressional office of James Traficant, Junior in
18 Washington, D.C.

19 Q. Turning next to the AT&T cell phone of David Sugar,
20 Senior, what did your analysis show with respect to that
21 phone?

22 A. Yes. On March 17th of 2000, there was one call to
23 the congressional office in Washington, D.C. of James
24 Traficant, Junior, and there were two calls to the farm of
25 James Traficant Junior in Mahoning County on that date.

Hassman - Direct/Smith

1 On March 18th, there was one call placed to the
2 residential home of James Traficant, Junior in Poland,
3 Ohio. There was the Nextel, was to the farm of James
4 Traficant, Junior, and the last call was back to the home
5 of Traficant in Poland, Ohio.

6 On March 21st, there was one call to the Washington,
7 D.C. office of Congressman Traficant. On March 24th, there
8 were two calls to the Washington, D.C. congressional
9 office, and one call to the Youngstown office of James
10 Traficant, Junior.

11 On April 29th --

12 Q. Did you say April, sir?

13 A. I'm sorry. Yes, I stand corrected. On March 29th of
14 2000, there were two calls to James Traficant's Washington,
15 D.C. congressional office.

16 On April 19th, there was one call at 11:10 A.M. that
17 lasted for six minutes that was made to the MS Consultants,
18 the engineers on the Higbee demolition project.

19 On April 19th, there was also one call to Traficant's
20 Youngstown congressional office and two calls to
21 Traficant's farm. And the last call on the exhibit was on
22 April 21st of 2000, and it was to James Traficant's
23 residence in Poland, Ohio.

24 Q. Thank you.

25 MR. SMITH: May I have just a second, your

Hassman - Direct/Smith

1 Honor?

2 Q. Sir, showing you what's been admitted as Government's
3 Exhibit 5-19, sir, could you just read what the label of
4 that document is?

5 A. The heading on the document reads Youngstown Central
6 Area Community Improvement Corporation, executive committee
7 meeting, Wednesday April 19th of 2000.

8 Q. April 19th of 2000?

9 A. That's correct.

10 Q. And on your chart, how many calls were made from
11 David Sugar, Senior's AT&T cellular telephone to phone
12 numbers associated with Mr. -- Congressman Traficant on the
13 phone number associated with him or subscribed to by him on
14 April the 19th?

15 A. There were three calls on April 19th.

16 Q. And on April 19th, how many calls were made from
17 Mr. Sugar's cellular telephone to a phone number subscribed
18 to by MS Consultants?

19 A. There was one.

20 Q. Sir, if you would now direct your attention to
21 Government's Exhibit 5-12 on the counter before you.

22 A. Yes.

23 Q. Sir, do you recognize -- and look at the front and
24 back of that item, please. Is that a two-page exhibit,
25 sir?

Hassman - Direct/Smith

1 A. Yes, it is.

2 Q. And what -- do you recognize Government's Exhibit
3 5-12?

4 A. Yes, I do.

5 Q. What is Government's Exhibit 5-12?

6 A. It is photographs of a barn that is located on the
7 residential property of James Traficant, Junior, in Poland,
8 Ohio.

9 Q. How many such photographs are there in Government's
10 Exhibit 5-12?

11 A. There are a total of 3.

12 Q. And how is it that you recognize these three
13 photographs?

14 A. I have on a number of occasions driven down that
15 road, and I have personally observed that residence, and I
16 recognize this barn for that reason.

17 Q. Do these three photographs fairly and accurately
18 depict the barn located at Congressman Traficant's
19 residence on Main Street in Poland?

20 A. It does.

21 Q. Finally, turning your attention to Government's
22 Exhibit 8-70 on the counter before you, do you recognize
23 that, sir?

24 A. I do.

25 Q. What is it, sir?

Hassman - Cross

1 A. It is a printout of a press release, which I
2 obtained from the Worldwide Web, the Internet, and
3 it comes from Congressman Traficant's Web site at
4 www.house.gov/Traficant. This press release is located in
5 the 1998 archives of that Web site.

6 MR. SMITH: Your Honor, may I have a moment?
7 No other questions, your Honor.

8 MR. TRAFICANT: What was the document number?

9 MR. SMITH: 8-70.

10 No other questions, your Honor, at this time.

11 CROSS-EXAMINATION OF DEANE HASSMAN

12 BY MR. TRAFICANT:

13 Q. How are you doing, Deane?

14 A. Fine, thanks.

15 Q. Where were you before you were in Youngstown?

16 A. Stark County.

17 Q. For how many years?

18 A. I was born and raised in Stark County.

19 Q. How many years you been with the FBI?

20 A. A little over six.

21 Q. Basically, most of your work was in the Youngstown,
22 Ohio, area, right?

23 A. That's correct.

24 Q. Were you familiar with me before you came to the
25 Youngstown office?

Hassman - Cross

- 1 A. I was aware who you were, yes.
- 2 Q. Are you familiar that I had an '83 trial?
- 3 A. I am today, yes.
- 4 Q. Did you ever discuss the '83 trial when you were
- 5 hired in -- by the FBI in Youngstown?
- 6 A. During my hiring process, I did not.
- 7 Q. Well, at some point, did you discuss with your
- 8 colleagues the '83 trial when you were an employ -- early
- 9 employed in the FBI? You're under oath.
- 10 A. I have become aware you had a 1983 trial, yes.
- 11 Q. Who made you aware of that?
- 12 A. I don't have a specific recollection of that.
- 13 Q. Now, you said there was surveillance at 3-17-2000 of
- 14 the Traficant farm. How did you know it was the Traficant
- 15 farm?
- 16 A. I was told that by fellow agents in my office.
- 17 Q. Who were they?
- 18 A. Richard Denholm told me the location of the farm.
- 19 Q. Who else?
- 20 A. I believe that's how I first learned of the location
- 21 of the farm.
- 22 Q. I didn't ask you that. Who else?
- 23 A. I don't know that anybody else specifically told me
- 24 that that was the farm.
- 25 Q. Did you run a title deed to see who owned the farm?

Hassman - Cross

- 1 A. Did I? No.
- 2 Q. Did anybody at the FBI run a title deed to see who
3 owned the farm?
- 4 A. I don't have firsthand knowledge of that.
- 5 Q. Then how do you know I owned the farm?
- 6 A. I don't believe I testified that you owned the farm.
- 7 Q. You said you were doing surveillance at Jim
8 Traficant's farm.
- 9 A. That's correct.
- 10 Q. Does that imply James Traficant owns the farm?
- 11 A. I did not testify to that.
- 12 Q. Now, the Government says that you were not on the
13 property; is that correct?
- 14 A. That is correct.
- 15 Q. You were a quarter mile west?
- 16 A. Me personally? Yes.
- 17 Q. Yes.
- 18 Were there other agents in surveillance?
- 19 A. Yes, there were.
- 20 Q. Where were they located?
- 21 A. Some of them were located east of that location. I
22 believe another agent was also located west with me, and
23 there was at least one agent that had a visual line of
24 sight to the driveway of that piece of property.
- 25 Q. Did you take a video that day?

Hassman - Cross

1 A. I believe, yes, there was.

2 Q. Do you have an audio boom mike?

3 A. We do not.

4 Q. And that's when you saw the trailer go out with the
5 equipment, right?

6 A. That is correct.

7 Q. How long had you had the Traficant farm under
8 surveillance before March 17th, 2000?

9 A. I don't believe we had ever had the farm under some
10 sort of continuous surveillance.

11 Q. Just a lucky break, huh?

12 A. No.

13 Q. Well, then, did you find out that 3-17 was coming
14 about, did you have some of my phones bugged?

15 A. We received a tip that there was a tractor trailer in
16 the driveway of the farm, and that maybe there was some
17 activity at the farm.

18 Q. Was that received from Mahoning County Sheriff's
19 Department?

20 A. It was not.

21 Q. Who was it received from?

22 MR. SMITH: Objection, your Honor.

23 MR. SMITH: United States versus Roviario.

24 THE COURT: You have to go on to another
25 question. We'll work on it during the break.

Hassman - Cross

1 BY MR. TRAFICANT:

2 Q. When you get tips over the phone, do you provide
3 video surveillance on all your tips?

4 A. Not generally, no.

5 Q. Did you send three agents?

6 A. We did not send initially three agents on this
7 either.

8 Q. When did you decide to call the other agents in?

9 A. One agent did a drive-by of the farm, visually from
10 the road. You could see the tractor trailer in the
11 driveway. At that point, a request was made for additional
12 agents to come down to support a possible surveillance.

13 Q. Did you at that time ask for an official
14 authorization, request to video, surveil the Traficant
15 farm?

16 A. I personally did not.

17 Q. Do you know if an authorization was made through, in
18 fact, any of your superiors to authorize you to provide
19 video testimony?

20 A. I don't know nor would we be required to do it for
21 video surveillance.

22 Q. Because you weren't on the property, right?

23 A. That would not be a factor whether or not we needed
24 permission for video surveillance.

25 Q. So you're saying you did not need video surveillance

Hassman - Cross

1 permission to take a video of the Traficant farm on March
2 17th. Is that your testimony?

3 A. That's correct.

4 Q. Um-hum.

5 Do you know if there was ever any authorizations or
6 requests for surveillance of Jim Traficant or any of his
7 associates?

8 A. I do not have firsthand knowledge of that, no.

9 Q. Did you ever request any?

10 A. I did not.

11 Q. Do you know if any other agents requested any?

12 A. I have subsequently become aware that at least one
13 occasion a request was made.

14 Q. Was it before or after March 17th?

15 A. I don't know the date of it.

16 Q. Who made you aware of that?

17 A. Actually, I believe I read it in the newspaper.

18 Q. Does the FBI get their information from the
19 newspaper?

20 A. No, sir.

21 Q. Were you part of the team that investigated the
22 Traficant matter that's being conducted here in court?

23 A. I participated in portions of the investigation. I
24 don't know that I define myself as a team investigative
25 member. I was not assigned to the investigation.

Hassman - Cross

1 Q. Who were assigned to the best of your knowledge to
2 the team investigation of Traficant?

3 A. From the FBI, Richard Denholm and Michael Pikunas.

4 Q. Who assigned you to go out and do the surveillance?

5 A. Nobody. I -- on March 17th of 2000, I was in my car,
6 and I heard radio traffic of individuals down at the farm.
7 I come up on the radio and asked if they wanted additional
8 help, and that's how my --

9 Q. How did you?

10 MR. SMITH: Objection. He didn't complete
11 his answer.

12 Q. Go ahead. Complete your answer, I apologize.

13 A. I believe I asked Richard Denholm if he wanted
14 assistance on March 17th.

15 Q. Where was Richard Denholm when you reached him?

16 A. He was already in the general area of the farm.

17 Q. Who brought the video equipment?

18 A. I do not know.

19 Q. Did you have it in your possession?

20 A. I did not.

21 Q. Now, you said you followed the trucks, and you ran
22 the plate, right?

23 A. That's correct.

24 Q. Placed it back to Honey Creek?

25 A. It come back to the address of Honey Creek. I can't

Hassman - Cross

1 remember -- there's three or four companies David Sugar
2 owned. It came back to one of the companies at the address
3 of Honey Creek Contracting.

4 Q. And then you followed the truck?

5 A. That is correct.

6 Q. And you were authorized at that point to follow the
7 truck?

8 A. There's no need for authorization. We -- we were on
9 public roads, we chose.

10 Q. So at some point, did you seize the property?

11 A. Took possession of it, yes.

12 Q. When you take possession of it, do you seize
13 everything?

14 A. There's a difference between seizing and taking
15 possession.

16 Q. Tell me the difference.

17 A. At the last known location of the property on the
18 dairy farm in Western Pennsylvania, we contacted the owners
19 of that property, who stated that it was not their
20 property. They didn't know why it was there, and we asked
21 them, do you consider this abandoned property? They said
22 they did. We prayerfully took the abandoned property off
23 their hands.

24 Q. So you took abandoned property off their hands?

25 A. With their permission.

Hassman - Cross

1 Q. Well, how did you know that maybe the equipment could
2 have been delivered to the wrong location by mistake? Did
3 you check that out?

4 A. We took it from the location that it was delivered
5 to.

6 Q. Did you call and ask for a warrant to seize that
7 property?

8 A. You don't need a warrant for abandoned property.

9 Q. So you then took this abandoned property, and did you
10 investigate it?

11 A. I personally did not.

12 Q. When you took the abandoned property, did you take it
13 to the FBI office and put it in your office?

14 A. No. It was large farm equipment.

15 Q. What was the equipment?

16 A. I've been later told it was a hay baling machine.

17 Q. Did you see the equipment?

18 A. I did.

19 Q. Are you familiar with farming?

20 A. I am not.

21 Q. Wasn't it a fact it was two mowing machines, sir?

22 A. I have no knowledge of what exactly it is.

23 Q. Where did you take it? You had to store it.

24 A. That is correct.

25 Q. And where did you take it?

Hassman - Cross

- 1 A. We took it to Gobel's.
- 2 Q. And where is Gobel's located?
- 3 A. In Mahoning County.
- 4 Q. At some particular point, did you notify me of this?
- 5 A. I did not.
- 6 Q. Well, how did you become aware that Gobel's had
- 7 possession of these two machines?
- 8 A. How did I become aware that Gobel's had it?
- 9 Q. Yeah.
- 10 A. We contacted Gobel's because we needed someone to
- 11 physically transport it from Western Pennsylvania back to
- 12 Mahoning County. They did the transportation for us. We
- 13 inquired as to whether or not they had available space that
- 14 they could rent to us to temporarily store this equipment.
- 15 Q. Now, Gobel's had the equipment. Do you know if
- 16 Gobel's still has the equipment?
- 17 A. To the best of my knowledge, yes.
- 18 Q. Do you know why they have the equipment?
- 19 A. Because we have asked them to store it.
- 20 Q. Did you have conversations with Mr. Denholm or
- 21 Mr. Arena about why -- or Mr. Van Harp if Gobel's still has
- 22 it?
- 23 A. Yes.
- 24 Q. And what did they say to you?
- 25 A. We still have it in our possession because we offered

Hassman - Cross

1 to return it to you, and we received no follow-up from you,
2 so we still have it.

3 Q. So you're familiar with no phone call between myself
4 and Mr. Arena or Mr. Van Harp relative to them wanting to
5 return the equipment?

6 A. I am aware of that call.

7 Q. And what, if anything, did I say to them to the best
8 of your knowledge that they said to you? What did they say
9 to you about my phone call to them?

10 MR. SMITH: Objection, hearsay.

11 THE COURT: Yes.

12 BY MR. TRAFICANT:

13 Q. Did you converse with them relative to the
14 conversation of why Mr. Traficant would not accept the
15 machinery?

16 A. I did.

17 Q. And what did they say?

18 MR. SMITH: Objection, hearsay.

19 THE COURT: Sustained.

20 Q. Do you know if Mr. Traficant would accept the
21 machinery back?

22 A. It's my understanding that a written letter was sent
23 to you saying that you could have the equipment back if you
24 could identify that you owned it or bought it, and that
25 after that letter was sent, we never heard back from you.

Hassman - Cross

1 Q. As far as you're concerned.

2 A. To the best of my knowledge.

3 Q. Well, getting a letter like that, do you know if the
4 FBI investigated whether or not it was my equipment or not?

5 A. I personally did not.

6 Q. Did you come to learn from your colleagues that there
7 was an investigation of who owned the equipment?

8 A. I am aware that there were efforts to try and
9 identify it through the serial numbers.

10 Q. And identifying it through the serial numbers, did
11 you, in fact, discover who owned the property?

12 A. I have no knowledge of the results of that serial
13 number.

14 Q. Who would know that?

15 A. I would -- I believe Richard Denholm would.

16 Q. Well, then, why did they send the letter asking to
17 return the property?

18 MR. SMITH: Objection. Speculation.

19 Q. Did they send a letter to me saying I could pick up
20 the property?

21 A. I have not read the letter, but that's my
22 understanding of the general context of it, yes.

23 Q. You know what a mowing machine does, sir?

24 A. Generally, yes.

25 Q. Do you have a lawn mower?

Hassman - Cross

- 1 A. I do not.
- 2 Q. Did you ever cut grass?
- 3 A. Yes.
- 4 Q. If you don't cut grass, will it keep growing?
- 5 A. Yes.
- 6 Q. Now, sir, isn't it a fact -- let me ask you this.
- 7 Did you have -- or to the best of your knowledge,
- 8 were any recording devices used at any time to memorialize
- 9 my voice?
- 10 A. At any times, yes.
- 11 Q. At any time?
- 12 A. Yes.
- 13 Q. And when were those times?
- 14 A. Conversations when you would call the FBI office and
- 15 speak to either a supervisor or the SAC in Cleveland. It's
- 16 my understanding that some of those conversations were
- 17 recorded.
- 18 Q. And those are the only recordings the FBI has
- 19 relative to this case?
- 20 A. In its entirety? No.
- 21 Q. You have other recordings that you're aware of?
- 22 A. Of your voice? No.
- 23 Q. So basically, all this that you put on the board was
- 24 Mr. Sugar backdated some invoices, right?
- 25 A. It's more than that. I wouldn't use the word

Hassman - Cross

1 backdated.

2 Q. Well, let's just say that he went back and put in
3 some files to show that he was getting some payments?

4 A. That was, in part, what he did, yes.

5 Q. You were shown an Exhibit of a check. Do you have
6 that in front of you?

7 A. I do.

8 Q. Would you read the exhibit number on it?

9 A. Exhibit 5-8.

10 Q. And would you describe to the jury whose checking
11 account it was?

12 A. It was drawn on Bank One, and according to the check,
13 the account name is James Traficant, Junior, to the address
14 of 125 Market Street, Youngstown, Ohio.

15 Q. Is there anybody else's name on there?

16 A. No.

17 Q. Who is the check made out to?

18 A. It's payable to Honey Creek.

19 Q. What was the date of it?

20 A. December 23rd, 1999.

21 Q. When did you seize the equipment?

22 A. I took possession of the equipment on -- actually, I
23 don't know the exact date. It was within a week or two
24 after the surveillance that it occurred on April 17th of
25 2000.

Hassman - Cross

1 Q. So the check was written before you took possession
2 of abandoned equipment that you saw come from the Traficant
3 farm, right?

4 A. Correct. But there's not a correlation between this
5 check and the equipment.

6 Q. I didn't ask you that. I would ask you to respond to
7 my question specifically.

8 Was the Traficant check dated before you took what
9 you referred to as abandoned equipment?

10 A. Correct.

11 Q. Now, did you investigate to see if I might have
12 borrowed that equipment from my neighbors?

13 A. I did not interview your neighbors, no.

14 Q. Did you personally go and assist Mr. Denholm or any
15 other agent to see whom owned this property? Yes or no.

16 A. No.

17 Q. Who ran the video?

18 A. I'm not certain for sure who had the video.

19 Q. Was it from the east side or the west side?

20 A. The video was not in my vehicle. Once the
21 surveillance started, the video would have been behind the
22 truck the majority of the period.

23 Q. Where was the truck?

24 A. In transit from Mahoning County up to Brookfield and
25 then on to Western Pennsylvania.

Hassman - Cross

1 Q. They just didn't run down the street and start taking
2 videos, did they?

3 A. No. It was done from a moving vehicle.

4 Q. It was done from a moving vehicle?

5 A. Correct.

6 Q. And because it was coming from Traficant's farm,
7 three agents showed up with video equipment, right?

8 A. In part, yes.

9 Q. Since it was abandoned, you took it, right?

10 A. Correct.

11 Q. And you, to the best of your knowledge, at the point
12 of taking it, did not confirm whether or not it was owned
13 by Jim Traficant, did you, or did you not?

14 A. At the point of taking it, I had no knowledge of who
15 it belonged to.

16 Q. Did anyone question who it belonged to?

17 A. Yes, I did.

18 Q. And what, if anything, were you told?

19 A. I questioned the truck driver that delivered it.

20 Q. And what did the truck driver say?

21 A. He told me when he delivered it to the farm at
22 Corilla's, Corilla, an employee, stated we're finally
23 getting our equipment back.

24 Q. See. I could have objected to that as hearsay, but I
25 won't.

Hassman - Cross

1 MR. SMITH: Objection. He asked what the
2 person said. He asked for it.

3 MR. TRAFICANT: That's fine. But I could
4 have objected.

5 THE COURT: Well, not if you ask for it.

6 MR. TRAFICANT: Fine. But I want to now
7 pursue on that.

8 BY MR. TRAFICANT:

9 Q. Was it Corilla's equipment?

10 A. In later interviews, they denied it.

11 Q. Well, didn't the FBI go say hey, what's going on with
12 Corilla and Traficant? Were you a part of that?

13 A. Those interviews I was not a part of.

14 Q. When did you learn that the equipment actually was
15 owned by Jim Traficant?

16 A. As I sit here today, I still don't have factual basis
17 for knowing --

18 Q. Who would have that factual basis?

19 A. I don't know.

20 Q. Who led the investigation?

21 A. I don't know -- there's a single individual leading
22 the investigation, is different than those who
23 participated.

24 Q. Who were the different individuals? Name them.

25 A. Mainly? Richard Denholm and Mike Pikunas.

Hassman - Cross

- 1 Q. Denholm and Pikunas?
- 2 A. Correct.
- 3 Q. Who was the director?
- 4 A. Louie Cree.
- 5 Q. Louie Cree was the director of the Youngstown office?
- 6 A. Director of the FBI.
- 7 Q. Who was director of the Youngstown office, sir?
- 8 A. We've had a couple. At what point in time?
- 9 Q. At that point?
- 10 A. In 2000, Arena.
- 11 Q. Was Arena part of the team?
- 12 A. Define team.
- 13 Q. Working on the Traficant case.
- 14 A. Supervisors generally don't have an investigative
- 15 role.
- 16 Q. Were there any other agents then who worked on this
- 17 case, other than you, Pikunas, and Denholm?
- 18 A. Yes.
- 19 Q. Who were they?
- 20 A. The Youngstown FBI office is a small office. A lot
- 21 of times agents will contribute to cases beyond what
- 22 they're primarily assigned to so a number of the Youngstown
- 23 agents would have the same, as I did with the Dave Sugar
- 24 piece in this case, would have made contributions in
- 25 different aspects.

Hassman - Cross

1 Q. Thank you for your explanation to the jury, but
2 you're not responsive to my question. What were their
3 names?

4 A. The agents in the Youngstown office don't report to
5 me, so I don't know what individual agents are working on.

6 Q. So -- but you said there were other agents?

7 A. Yes.

8 Q. That did things in the Traficant case?

9 A. Correct.

10 Q. But you don't know their names?

11 A. I know some of them.

12 Q. Well, then, give me their names.

13 A. I have knowledge of most of the Youngstown office in
14 one fashion or another have done at least one interview.

15 Q. Give me their names.

16 A. Todd Werth.

17 Q. What was that?

18 A. Todd Werth.

19 Q. Tom Werth?

20 A. Todd.

21 Q. Todd Werth. How do you spell that?

22 A. W-E-R-T-H.

23 Q. Okay. Give me another one.

24 A. Joe Bushner.

25 Q. Joe Bushner. Tell me another one.

Hassman - Cross

- 1 A. Herb Fitzgerald.
- 2 Q. Tell me another one.
- 3 A. John Stoll.
- 4 Q. Stoll?
- 5 A. S-T-O-L-L.
- 6 Q. Tell me another one?
- 7 A. Ron Helmick.
- 8 Q. Ron who?
- 9 A. Helmick.
- 10 Q. H-E-L-M-I-C-K?
- 11 A. Correct.
- 12 Q. Tell me another one.
- 13 A. Rachel Kovak.
- 14 Q. Rachel Kovak?
- 15 A. Yes.
- 16 Q. Tell me another one.
- 17 A. I'm trying to go from recollection as to the agents
- 18 that I've -- I can recall working on specific events.
- 19 There were points in the investigation where we did large
- 20 interview roundups, where we go out and interview maybe a
- 21 dozen Bucci employees simultaneously, so there would have
- 22 been other agents.
- 23 Q. Give me their names.
- 24 A. There were agents out of Cleveland that participated
- 25 in interviews.

Hassman - Cross

- 1 Q. You know who was there from Cleveland?
- 2 A. I do not, but they were.
- 3 Q. How many?
- 4 A. I couldn't even begin to quantify it, I don't know.
- 5 Q. Would it be more than one?
- 6 A. Yes.
- 7 Q. More than two?
- 8 A. Yes.
- 9 Q. More than three?
- 10 A. There were interview times where we tried to
- 11 interview maybe a dozen people simultaneously. Each set up
- 12 maybe 24 interview teams, and people would contribute maybe
- 13 two hours to the investigation by conducting one interview
- 14 for us.
- 15 Q. How many -- were there more than two agents from
- 16 Cleveland?
- 17 A. Absolutely.
- 18 Q. Could it be more than three?
- 19 A. Yes.
- 20 Q. More than four?
- 21 A. Certainly.
- 22 Q. More than five?
- 23 A. Yes.
- 24 Q. More than six?
- 25 A. Yes.

Hassman - Cross

1 Q. More than seven?

2 A. On some occasion, yes.

3 Q. More than eight?

4 A. In its totality, yes.

5 Q. Well, rather than us go through a mathematical --
6 give me an approximation how many Cleveland agents came
7 down in Youngstown and left Cleveland as a part of this
8 investigation.

9 A. I have no idea.

10 Q. More than eight?

11 A. Yes.

12 Q. Did any of the U.S. prosecutors come and meet with
13 anybody in the offices of the Youngstown office on Sahara
14 Trail?

15 A. Yes.

16 Q. Who were they?

17 A. Bernie Smith.

18 Q. Is Mr. Smith in the room?

19 A. Yes.

20 Q. Point to him and identify him.

21 A. Sitting in the Prosecution table.

22 Q. Was there anybody else?

23 A. Craig Morford.

24 Q. Point to him and identify him?

25 MR. MORFORD: I'll stipulate as a joint

Hassman - Cross

1 exhibit, your Honor.

2 Q. Anybody else?

3 A. Matt Kall.

4 Q. Point to him.

5 Let the record reflect he remembers the three.

6 Were there any other U.S. attorneys other than the
7 three seated here that came to Youngstown at any time on
8 the Traficant investigation?

9 A. Yes.

10 Q. Who -- what's their names?

11 A. There was one female attorney from Washington, D.C.
12 I do not recall her name as I sit here.

13 Q. From D.C.?

14 A. Yes.

15 Q. Only one from D.C.?

16 A. Yes.

17 Q. Were there any from any other cities?

18 A. Not to my knowledge.

19 Q. Were there any from Pittsburgh?

20 A. Not to my knowledge.

21 Q. So let's see, you had 9, 10, 11, 12, 13, 14, 15, 16,
22 17 agents to the best of your knowledge involved in the
23 Traficant investigation. Is that a fair statement? That's
24 what you just testified to?

25 A. Not in the continuing investigation, no.

Hassman - Cross

1 Q. All did something though, in the investigation, huh?

2 A. Something, yes.

3 Q. You did something, didn't you?

4 A. Certainly.

5 Q. Did you do anything else in the Traficant
6 investigation?

7 A. Can you be more specific?

8 Q. Other than this thing, following the truck, did you
9 do anything else, or were you assigned to any other duties
10 in connection with the Traficant investigation?

11 A. Yes.

12 Q. What did you do?

13 A. I've conducted a number of interviews throughout the
14 investigation and in an assisting role to the
15 investigation, but I was never assigned to it.

16 Q. Who did you interview?

17 MR. SMITH: Objection. U.S. versus Roviario.

18 THE COURT: Sustained.

19 Q. How many individuals did you interview?

20 A. Well in excess of two dozen.

21 Q. Pardon?

22 A. Well in excess of two dozen.

23 Q. Two dozen.

24 Say 24, 25 people?

25 A. At least that many.

Hassman - Cross

1 Q. When did you first start interviewing people?

2 A. I think my first involvement in the case is in the
3 winter of 2000.

4 Q. Would you say December 2000?

5 A. No.

6 Q. When would you --

7 A. I would put an approximate March time date. I -- I
8 have vague recollection of doing one or two things prior to
9 the March 17th surveillance, although I can't recall with
10 specificity what they were, but around March 2000 was my
11 first involvement.

12 Q. So from March of 2000, when was your last interview
13 conducted with a witness or potential witness? Who was the
14 last person you interviewed, not their name, but the
15 approximate date and time?

16 A. It's been quite awhile. In terms of an investigative
17 interview, possibly a year ago.

18 Q. Well, that would be 2001. Do you know what month?

19 A. I do not.

20 Q. So on March 2000, through 2001, you interviewed 25
21 people yourself, right?

22 A. Yes.

23 Q. Do you have any knowledge as to how many total people
24 were interviewed?

25 A. I have no idea.

Hassman - Cross

1 Q. Who directed you to interview those 25 people?

2 A. The vast majority -- I chose on my own to interview
3 them because they were follow-up witnesses to earlier
4 information that I had attained.

5 Q. Who then first directed you to interview someone who
6 led you to another one?

7 A. The first critical interview was David Sugar, which
8 actually I believe I volunteered to do that interview. So
9 nobody directed me to do that. I volunteered for that.

10 Q. And then after that then, did anybody assign you to
11 any other interviews, or did you volunteer for all 25?

12 A. As a team player, I assisted in a lot of
13 investigations, and I volunteered to assist in this
14 investigation.

15 Q. So no one assigned to you did any of those?

16 A. Formally on paper I was never assigned to this
17 investigation.

18 Q. Normally on paper, you weren't supposed to be there
19 on March 17. The point I'm making is, who at some point
20 assigned you to go out and do an interview, or did you just
21 volunteer from your meeting with Sugar, meet with 25 people
22 of your own volition?

23 A. The Youngstown FBI office works in a very team
24 atmosphere, and you try to assist on other investigations.
25 There were numerous times agents have assisted my

Hassman - Cross

1 investigations. This was a reciprocal effort on my part to
2 assist other agents in the office.

3 Q. Did you have team meetings?

4 A. I don't understand the definition of team.

5 Q. Well, did you ever sit down as a group and say hey,
6 this Traficant matter, how are we going to handle this?

7 A. Not in that context, no.

8 Q. What context did you discuss it?

9 A. If you were going to do a specific event, sometimes
10 you would sit down to discuss the opportunities of what you
11 might do, and yes, there were discussions of different
12 aspects of the case. That was natural.

13 Q. Were there any discussions of attempting to get
14 someone to approach the Congressman with a body recorder?

15 A. The focus of my knowledge relates to the Dave Sugar
16 matter of this case. In the Dave Sugar portion of this
17 case, by the time we become aware of the crimes, they had
18 already occurred. They were historical in nature. Body
19 recorders are not real effective in historical crime.

20 You can't go back in time and record something that
21 already occurred. You could still have the opportunity,
22 possibly to put a recorder on someone and send them in to
23 have a remember when conversation, remember when we did
24 this, or when we did that.

25 Those types of events are difficult to do and aren't

Hassman - Cross

1 always effective, the reason being the remember when
2 conversation, sometimes it'll come off as staged or
3 rehearsed, and if you're dealing with a subject that is
4 surveillance conscious, is conscious of a recording device,
5 sending someone in on a remember when type conversation has
6 a risk of back firing on you.

7 If the subject is suspicious of that event occurring,
8 if they feel it's rehearsed, all we're going to get on a
9 recording is self-serving or exculpatory statements. With
10 respect to the Dave Sugar portion of this investigation, I
11 didn't feel it was productive, and I personally never gave
12 any serious consideration for even attempting to do a
13 recording.

14 Q. Did in conversations with your office -- did you feel
15 that Traficant was the suspicious type of guy that would be
16 hard to take?

17 A. In my opinion? Yes.

18 Q. You've been with the FBI how long?

19 A. More than six years.

20 Q. Did anybody talk about maybe having one of the
21 witnesses have a -- like an accident and maybe have a body
22 brace put on and hide a body mike?

23 A. No, I've never --

24 Q. Are you an FBI agent?

25 A. Yes, sir.

Hassman - Cross

1 Q. Are you trying to tell me the FBI doesn't have the
2 technology and the wherewithal to memorialize anybody's
3 voice?

4 A. We absolutely do have the technology.

5 Q. You didn't think of a ploy maybe putting somewhere on
6 his upper thigh, near the crotch where the Congressman may
7 not touch his crotch, is that your testimony, that he was
8 not suspicious? Yes or no.

9 A. No. In any given investigation, you have to weigh
10 the strength of the evidence you have.

11 Q. Hear me. Not to interrupt you but I asked you a
12 specific question.

13 You at some point became aware that you were not
14 going to attempt to memorialize the Congressman in an
15 admission that could be used against him at trial; is that
16 correct or not?

17 A. Yes.

18 Q. Now, would you say that a sure bang conviction would
19 be that Jim Traficant confesses to Mr. Morford?

20 MR. SMITH: Objection.

21 THE COURT: Sustained.

22 Q. Would you seek a confession to try and conclude a
23 case as an FBI agent?

24 A. Depending on the strength of the evidence of the
25 case, sometimes, yes.

Hassman - Cross

1 Q. Now, you've brought up the term crime, am I correct,
2 regarding Mr. Sugar?

3 A. Yes.

4 Q. You said he committed a crime?

5 A. Yes.

6 Q. Do you have a law degree?

7 A. I do not.

8 Q. What crime did you refer to for Mr. Sugar? What did
9 he commit? What law did he break?

10 A. He was obstructing justice by creating invoices for
11 our benefit.

12 Q. So that was one of the charges, what else?

13 A. He had asked his secretary to lie to us about the
14 origin of the invoices so he was tampering with a witness.

15 Q. What else?

16 A. We had brought him before a Federal Grand Jury. He
17 lied with respect to what the evidence showed, and he was
18 also charged with perjury.

19 Q. Isn't it a fact that you threatened Mr. Sugar's wife
20 to be involved and his son to be indicted?

21 A. I've never met his wife, so, no.

22 Q. You wouldn't have that knowledge, would you?

23 A. I never made a threat with respect to his wife, no.

24 Q. Now, when was the pavement laid in the barn located
25 in Poland?

Hassman - Cross

1 A. Actually, it was my understanding it was concrete,
2 and the barn in Poland -- and it was around April 27 --
3 correction, March 27th, March 28th of 2000.

4 Q. Had you already met with Mr. Sugar at that time?

5 A. I had not.

6 Q. Did you -- you have any knowledge of that? You
7 referred to photographs, didn't you?

8 A. Yes.

9 Q. Well, how do you know there was concrete put in the
10 barn?

11 A. Become aware of it later through the interview of
12 Dave Sugar and his alleged invoice to you for that work.

13 Q. Did you ask Mr. Sugar if he purchased the concrete?

14 A. I did.

15 Q. And what did he say?

16 A. Sugar provided the labor only. He did not purchase
17 the concrete.

18 Q. Did Sugar talk about compensation?

19 A. Yes.

20 Q. And what compensation did he say he received?

21 MR. SMITH: Objection. Hearsay as to Sugar's
22 statements.

23 THE COURT: It's a good objection

24 BY MR. TRAFICANT:

25 Q. In your interview with Mr. Sugar relative to the

Hassman - Cross

1 concrete, did you ask him how Mr. Traficant paid him?

2 MR. SMITH: Objection as to content of
3 Sugar's statements.

4 THE COURT: The objection to content is
5 sustained.

6 Q. Do you have any knowledge of what the payments
7 consisted of?

8 MR. SMITH: Unless he has personal knowledge,
9 object on hearsay grounds.

10 THE WITNESS: I do not have personal
11 knowledge.

12 BY MR. TRAFICANT:

13 Q. Did Mr. Sugar admit that he was compensated?

14 MR. SMITH: Objection.

15 THE COURT: Congressman, let's move on. We
16 have the same problem.

17 Q. Whatever Mr. Sugar said has been objected to, did you
18 investigate it?

19 A. What aspect?

20 Q. When you asked him relative to compensation, did you
21 investigate what he told you?

22 A. To some extent, yes.

23 Q. Yes or no?

24 A. Yes.

25 Q. What was the fruits -- what were the fruits of your

Hassman - Cross

1 investigation?

2 A. Government's Exhibit 5-8, the check from James
3 Traficant to Honey Creek. My later investigation
4 identified that it was deposited into the bank of Honey
5 Creek.

6 Q. And that is the only discussion of compensation you
7 had with Mr. Sugar?

8 A. That is the only follow-up --

9 MR. SMITH: Objection, objection, as to the
10 discussions with Sugar.

11 THE COURT: The objection is well taken.

12 MR. TRAFICANT: You guys are touchy.

13 THE COURT: That comment is irresponsible.

14 MR. TRAFICANT: I agree.

15 THE COURT: Well, then I'm going to ask the
16 jury to disregard it

17 BY MR. TRAFICANT:

18 Q. Did you have anybody's phones bugged to the best of
19 your knowledge?

20 A. We did not.

21 Q. You know if the Traficant phones were bugged?

22 A. They were not.

23 Q. Do you know if the residence in Poland was either
24 bugged?

25 A. It was not.

Hassman - Cross

- 1 Q. Was it under surveillance at any time?
- 2 A. Agents lived in Poland. Agents would occasionally
- 3 drive by it, but I wouldn't call those as under
- 4 surveillance, no.
- 5 Q. Well, they were just like drive-bys, right?
- 6 A. Yes. It's a small town.
- 7 Q. How many agents live in Poland?
- 8 A. I'd hazard a guess about a half dozen.
- 9 Q. Would all half dozen have occasion to drive by
- 10 Traficant's place?
- 11 A. I don't live in Poland, and I had occasion to drive
- 12 by because the job takes me around town.
- 13 Q. What side of town do you live on in Poland?
- 14 A. I don't live in Poland. I live in Boardman.
- 15 Q. Now, these phone calls that were put on the board,
- 16 who initiated these calls?
- 17 A. I don't have firsthand knowledge of that.
- 18 Q. Pick up your documents. You're the one that's
- 19 testified to them.
- 20 A. Yes.
- 21 Q. Let's look at Nextel. Who made the call?
- 22 A. The telephone --
- 23 Q. Who phoned?
- 24 A. You're referring to a specific call?
- 25 Q. Who dialed the number to whom? What number called

Hassman - Cross

1 what number where?

2 A. The first one on my exhibit is from Nextel
3 communications, cellular telephone Number 330-233-1957,
4 dialed --

5 Q. Whose phone number is that?

6 A. It is subscribed to David Sugar, Senior from Honey
7 Creek.

8 Q. All right. We don't have to waste the jury's time.
9 The first call was made from Mr. Sugar to whom?

10 A. The phone dialed area code 330-743-1914.

11 Q. And what is 743-1914?

12 A. That numbering subscribes to the congressional office
13 of your office in Youngstown.

14 Q. Which one?

15 A. I believe it's the downtown, but I don't know that
16 for certain.

17 Q. Did you ever check to find out?

18 A. I've looked in the phone book and seen that as a
19 listed number, but I -- I've never called it.

20 Q. Okay. What's the second call, was it a Nextel call?

21 A. Yes.

22 Q. Who made the call?

23 A. I don't have knowledge of who dialed it. It is
24 from -- a phone subscribed by Dave Sugar at Honey Creek,
25 and it dials area code 202-225-5261.

Hassman - Cross

1 Q. And what city?

2 A. Washington, D.C.

3 Q. Okay. Then there were only two Nextel calls.

4 There's a number of AT&T calls?

5 A. Correct.

6 Q. Yes. Without belaboring it, how many calls were made
7 to a phone that Mr. Sugar had a connection with of the
8 remainder of the calls? Look at it.

9 A. You said made to. Do you mean made from?

10 Q. Made to Mr. Sugar from someone on that list and who
11 made it, from what number?

12 A. This exhibit shows no incoming calls to that cell
13 phone. This exhibit is all outgoing calls.

14 Q. So you're saying there were no return calls from
15 Washington that were made to Mr. Sugar?

16 A. There are none identified on this exhibit, no.

17 Q. Did you come to find out that there were ever any
18 calls made that you dealt with from any of my offices, be
19 it Youngstown or Washington or East Liverpool or Warren or
20 Niles, to any of Mr. Sugar's numbers?

21 A. Yes.

22 Q. And how many were there?

23 A. I'm aware of two one-minute phone calls from the
24 Washington, D.C. congressional office to Dave Sugar's
25 residence.

Hassman - Cross

1 Q. Fine. See how easy that was?

2 A. You kept referring me to the exhibit.

3 Q. So Mr. Sugar was basically charged with perjury and
4 obstructing justice, right?

5 A. Correct.

6 Q. And that's what he was indicted for, right?

7 A. I'm not sure there was an indictment. It may have
8 been -- I think it was an indictment, yes, correct.

9 Q. I notice the prosecutors shaking their heads. Let
10 the witness answer the questions. I'm going to state that
11 for the record.

12 MR. SMITH: Objection.

13 THE COURT: Well, I'd like to say for the
14 record because I was observing you as well as the other
15 counsel at that time, that nobody was shaking their heads.

16 BY MR. TRAFICANT:

17 Q. So Mr. Sugar -- now, he is a count in the Traficant
18 case, is he not?

19 A. In part, yes.

20 Q. Because he obstructed justice in the Traficant case?

21 A. No.

22 Q. Because he did favors for Traficant?

23 A. In part, yes.

24 Q. And how do you know that to be a fact if you did not,
25 in fact, investigate whether or not the concrete and that

Hassman - Cross

1 work had been compensated? Why did you say that you knew
2 they were crimes? You didn't do the investigation, did
3 you?

4 A. Portions of that I did, yes.

5 Q. Now, do you know if Mr. -- did you ever ask Mr. Sugar
6 if he ever backdated any other documents?

7 A. Other than what?

8 Q. Other than the ones that were backdated in this case?

9 A. Other than the ones in this case, I did not ask.

10 Q. Did you ask his secretary if he was a pretty good
11 worker or maybe slow around the desk, or did you inquire as
12 to how he handled his business matters?

13 A. In general terms, yes.

14 Q. And what, in effect, did she say?

15 MR. SMITH: Objection, hearsay.

16 THE COURT: Sustained.

17 Q. You know if Mr. Sugar is, in fact, my constituent?

18 A. By residency definition, yes.

19 Q. Are you my constituent?

20 A. By residency, yes.

21 Q. What makes a person a constituent?

22 A. The residence of their congressional district, I
23 would assume.

24 Q. Was Mr. Sugar's residence in my congressional
25 district?

Hassman - Redirect/Smith

1 A. Yes.

2 Q. Was his business in my congressional district?

3 A. Yes.

4 Q. Did he do work in my congressional district?

5 A. Some of his projects, yes.

6 MR. TRAFICANT: No further questions at this
7 time.

8 THE COURT: Thank you.

9 MR. SMITH: Briefly, your Honor.

10 REDIRECT EXAMINATION OF DEANE HASSMAN

11 BY MR. SMITH:

12 Q. Sir, you were asked questions on cross-examination
13 about your telephone summary chart Exhibit 5-22; is that
14 correct?

15 A. Correct.

16 Q. And the Congressman asked you a couple questions
17 about who specifically made particular calls, do you
18 remember those questions?

19 A. Yes.

20 Q. Now, do telephone toll records that you examined,
21 Exhibits 5-23 and 5-24, tell you specifically who dialed
22 the numbers on the phone?

23 A. The records do not.

24 Q. Do they tell you specifically who picked up the call
25 at the other end?

Hassman - Redirect/Smith

1 A. They do not.

2 Q. What do they tell you?

3 A. They tell you the call is originating from this
4 particular phone, calling another phone, then provide the
5 date of that call and the duration of it.

6 Q. Congressman Traficant asked you a series of questions
7 about FBI special agents who may have participated in
8 working on this case at various times. You recall that
9 series of questions and answers?

10 A. Yes.

11 Q. Were there any FBI assigned full-time to this case?

12 A. Full-time, none.

13 Q. Were there agents who had a predominant part of their
14 time assigned to this case?

15 A. Yes.

16 Q. Who?

17 A. Richard Denholm and Mike Pikunas.

18 Q. Now, with respect to all the other agents that you
19 named, do all those other agents have their own case logs?

20 A. Yes. They all have a full case load including
21 myself. You have a full complement of what else you're
22 working on.

23 Q. Other than Denholm and Pikunas, would you please
24 describe the role you had and what role these other agents
25 you named played in this investigation in your own words?

Hassman - Redirect/Smith

1 A. You do a -- assisting type role, and in one instance
2 the agent may be assisting for one hour, and in another
3 instance you may be assisting for two weeks, depending on
4 what you're following up on. There were times during the
5 investigation where we would want to do a lot of events
6 simultaneously, for example, Bucci employees, Greg Tyson
7 employees, maybe Dave Sugar employees where you want to
8 interview them simultaneously to avoid them getting their
9 stories together, so to speak.

10 And in those instances, sometimes there would be a
11 large number of agents because you would want to do them
12 all simultaneously, so sometimes an agent may have only
13 contributed two hours to the entire investigation.

14 Q. These Cleveland agents that we'll refer to, remember
15 those questions and answers?

16 A. Yes.

17 Q. Did they participate in these larger canvas
18 investigations where you're going out to talk to a number
19 of people simultaneously?

20 A. That's about the only role they played in the
21 investigation.

22 Q. What did they do after they got done interviewing
23 their particular person?

24 A. They would write the interview up and send it to the
25 case file.

Hassman - Redirect/Smith

1 Q. And back to Cleveland?

2 A. Absolutely.

3 Q. Would you explain the strategy reason why the FBI
4 would want to interview, for example, all of Bucci farm
5 workers simultaneously? What are you trying to accomplish
6 or avoid?

7 A. In any interview, you want to get the first end
8 responses from that individual, what they know, what they
9 saw. If you do them simultaneously, you get everybody's
10 answers firsthand. If you do them one at a time, sometimes
11 now they've all started talking and started -- now you're
12 getting an answer, well, they know it because somebody else
13 told it to them, and so sometimes you get beyond what you
14 really want in the firsthand answer.

15 You also want to make sure you're getting the truth
16 and provides corroborating factual basis for maybe other
17 evidence that you already have at that time.

18 Q. In a situation where you have two dozen witnesses, A
19 through -- Mr. A through Mr. X, if you only interview Mr. A
20 first, and then you go out on separate days and start
21 interviewing other people, what could happen?

22 A. You can sometimes get a blurring visage of the
23 parties as the folks are sharing with each other or in a
24 worst case scenario, you can get them coaching or trying to
25 provide you a particular story based on somebody saying to

Hassman - Redirect/Smith

1 them tell them this or tell them that.

2 Q. And simultaneous interviewing avoids that?

3 A. Yes.

4 Q. Sir, you were asked a series of questions about
5 whether there was, in addition to the video taken on March
6 17th of 2000, whether there was any other instance in which
7 Congressman Traficant was -- his voice was tape recorded.
8 Do you recall that?

9 A. Yes.

10 Q. Was there any incident that caused the FBI to tape
11 record Congressman Traficant when he called in to either
12 the Youngstown or Cleveland offices?

13 A. Yes.

14 Q. What was that incident?

15 A. The initial telephone calls by Traficant to the FBI
16 offices were sometimes vocal and vulgar to our
17 secretaries. Our boss and Andy Arena made the decision
18 all calls would be directed to him and/or in his absence to
19 Van Harp, the SAC in Cleveland. There were inconsistencies
20 sometimes in the language and the terms mostly used. So
21 the supervisors made a decision that they would record
22 those calls to preserve the record and protect the factual
23 context of those conversations that they had with
24 Congressman Traficant.

25 MR. SMITH: May I have a moment, your Honor?

Hassman - Redirect/Smith

1 No further questions.

2 MR. TRAFICANT: Your Honor, if you want me to
3 continue, I'll be glad to continue unless you want to take
4 a break at this time.

5 THE COURT: It's --

6 MR. TRAFICANT: I do have questions.

7 THE COURT: Fine.

8 It's a good time to take a break, and maybe we can
9 resolve some of these issues while the jury is out. We'll
10 give you a half an hour break this morning and have you
11 come back at -- no, I would say it would be 11:00 at that
12 time. My clock is doing something strange up here. Half
13 an hour is what I have. Okay.

14 (Proceedings in the absence of the jury:)

15 THE COURT: We need to handle these issues,
16 okay.

17 MR. TRAFICANT: Yes.

18 THE COURT: Okay? Just take some time. The
19 rest of you can do what you wish, stay or leave. It's up
20 to you.

21 Gentlemen, just for one minute, I had -- I
22 still have trouble, and I think you're talking about
23 Roviario versus United States. Is that the case you were
24 citing?

25 MR. SMITH: Yes, ma'am.

Hassman - Redirect/Smith

1 THE COURT: Very well. Since I still -- you
2 were saying United States versus something, and I had it
3 the other way, but that's the case you're talking about.

4 MR. SMITH: I apologize. I had it backwards.

5 THE COURT: R-O-V-I-A-R-O I think is what it
6 is, and that had to do with the line of questions that you
7 put to him about the identity of various other people. The
8 one I'm more concerned with now is the continuing problem
9 with hearsay. It's very disruptive to the jury.

10 They don't have as much reason as you do to
11 understand what hearsay is all about. It stops witnesses
12 on the stand from being able to testify, and it makes our
13 proceedings go forward in a delayed way.

14 So I just want to get clear about that with you, and
15 maybe if we talk a little bit about what hearsay prohibits,
16 we may get somewhere. Those -- when you ask somebody to
17 repeat back something that somebody else has said, that
18 person who has said the other thing is not on the stand.
19 They're not under oath. They're not subject to
20 cross-examination. Therefore, unless you can establish
21 with me outside the hearing of the jury some other reason
22 why that particular testimony would be trustworthy enough
23 to get through the Rules of Evidence, we can't let it go to
24 the jury.

25 And it has a funny name. I always wish somebody

Hassman - Redirect/Smith

1 could come up with a better name for it, but that's really
2 the heart of it. I can give an instruction to the jury on
3 hearsay. I would hate to have to do that, but if we keep
4 having to deal with the objection over and over again, then
5 I think I will maybe have to do it because I need to say
6 out loud to them as well as to you why it is that this
7 evidence doesn't come through.

8 So I'm hoping that your understanding of it is
9 complete enough so we won't constantly interrupt.
10 Sometimes it's inevitable. Sometimes you ask it, and you
11 don't have any idea.

12 MR. TRAFICANT: Can I respond?

13 THE COURT: I'd like you to.

14 MR. TRAFICANT: He said he had conversations
15 with fellow FBI workers.

16 THE COURT: Right.

17 MR. TRAFICANT: I asked him what the nature
18 of those conversations were, and he objected.

19 MR. SMITH: That was not the objection, your
20 Honor. He asked: Did you interview Dave Sugar? Did you
21 interview Mrs. Beegle?

22 Now, Ms. Beegle is scheduled to be the next witness,
23 and Dave Sugar is expected to testify in this case as well.
24 Anything that Mr. Sugar or Ms. Beegle would have said to
25 Mr. Hassman is hearsay, and the hearsay exception applies,

Hassman - Redirect/Smith

1 and he knows there's no exception.

2 THE COURT: If you could come up with one at
3 a break like this, that's why we have these breaks out of
4 the hearing of the jury, you can say, look, Judge, I can
5 establish X, Y, and Z. Therefore, these statements
6 don't -- you know, are not objectionable. That's what you
7 have had the opportunity to do several times everyday.

8 MR. TRAFICANT: Your Honor, I have studied
9 hearsay very well.

10 THE COURT: Good.

11 MR. TRAFICANT: You've allowed hearsay in on
12 a dead man.

13 THE COURT: Well, that's because it met an
14 exception. We went through the exception.

15 MR. TRAFICANT: I know that.

16 THE COURT: Don't just say um-hum. Do you
17 really understand that?

18 MR. TRAFICANT: Yes. I understand that, and
19 I understand the way you ruled.

20 THE COURT: Well, that's because they -- it's
21 because they met a recognized exception to hearsay.

22 MR. TRAFICANT: I don't believe they did.

23 THE COURT: Is he dead or isn't he dead?

24 MR. TRAFICANT: Yeah. But was he in
25 jeopardy? Was he in danger of the crime?

Hassman - Redirect/Smith

1 THE COURT: Well, though --

2 MR. TRAFICANT: With the fruit basket.

3 THE COURT: He was unavailable because of
4 death and you stipulated to the fact on his death
5 certificate he is unavailable. He goes under the
6 unavailable exceptions.

7 MR. TRAFICANT: But this has already been
8 argued and debated.

9 THE COURT: No. You keep raising it.

10 MR. TRAFICANT: The bottom line is --

11 THE COURT: Excuse me. You keep raising
12 things that have been ruled on. You have preserved the
13 record for appeal.

14 MR. TRAFICANT: I object to your continuous
15 limiting my ability to cross-examine witnesses on issues
16 that I believe are not hearsay.

17 THE COURT: Then challenge the establishment
18 that they make an effort to make to an exception for
19 hearsay, and make them yourself. If you believe you've got
20 something that is -- is under the rules of hearsay, can be
21 brought before this jury, I give you this opportunity every
22 single break after proceedings, all during lunch, and
23 you've got hours of time everyday in which to do that work.

24 MR. TRAFICANT: I know that. I don't make
25 many objections. I want to hear what they have to say,

Hassman - Redirect/Smith

1 quite frankly. They have made objection after objection
2 after objection.

3 THE COURT: Well, so what? I mean --

4 MR. TRAFICANT: The point is, I've rephrased
5 questions, and isn't it a fact that one question could be
6 considered hearsay but rephrased may not be hearsay?

7 THE COURT: Exactly.

8 MR. TRAFICANT: And did I attempt to do that,
9 and did you rule on it? Yes.

10 THE COURT: Sometimes, yes.

11 MR. TRAFICANT: Is that unusual for attorneys
12 to attempt to elicit information by changing the question.

13 THE COURT: It's not at all unusual.

14 MR. TRAFICANT: Well, then, why are we having
15 really a lecture with me on it? I've accepted your
16 objections, but I say for the record that I believe you are
17 holding me to a stricter standard than you are the
18 Prosecution for the record. We're done with it.

19 THE COURT: Fine. Well, we aren't done in
20 here. Do you want to respond?

21 MR. SMITH: No, your Honor. I don't see
22 there's anything that you need to rule on.

23 THE COURT: Anything else?

24 MR. MORFORD: Just one response on that, your
25 Honor. As Congressman Traficant said three times in this

Hassman - Redirect/Smith

1 case, that he's allowed to ask any questions, that is not
2 the rule. A lawyer is not allowed to throw something out
3 to the jury that he knows to be improper and that he knows
4 to be objectionable, and I know a week ago he said Johnny
5 Cochran does it, but a lawyer is not allowed to do that.

6 And a lawyer is not allowed to ask a question that he
7 knows is not proper, to get it in front of the jury, and
8 that is something that I want to make sure he understands,
9 that if he realizes that something is hearsay or
10 speculation, you can't just load up a question and ask it
11 and ask it four or five times after it's objected to.

12 MR. TRAFICANT: Well --

13 MR. MORFORD: Just let me finish.

14 THE COURT: I think the Congressman does
15 understand hearsay. Am I right?

16 MR. TRAFICANT: Let me say this.

17 MR. MORFORD: Can I finish?

18 THE COURT: Let him finish.

19 MR. MORFORD: The other point to comment,
20 after the objection is made in front of the jury that
21 there's a lot of objections, boy, they're touchy on this
22 one, the frequency and repetition of our objections are a
23 direct correlation to the frequency of improper questions,
24 and I would just object to him making those kind of
25 comments.

Hassman - Redirect/Smith

1 THE COURT: While the jury --

2 MR. TRAFICANT: Let me respond.

3 THE COURT: He acknowledged that that was
4 something that he didn't need to say or that he understood
5 was improper. I'm going to let you respond.

6 MR. TRAFICANT: Let me respond.

7 THE COURT: I'll let you respond. The jury
8 also, when I asked them if they could disregard it, said
9 that they could. But it puts a burden on them. That's
10 all. If you understand hearsay, I really don't like to
11 have these discussions about it, but I just want to give
12 you every opportunity to explore the conduct that you are
13 involved in here when you're constantly repeating the same
14 hearsay problems. You can assume they will object. Okay?
15 If you want to get the evidence on in a way that the jury
16 can listen to it without -- without objections, then you
17 wouldn't be doing that.

18 MR. TRAFICANT: That's not the issue I want
19 to address with Mr. Morford directly.

20 THE COURT: Okay.

21 MR. TRAFICANT: Mr. Morford accused me of
22 knowingly, willfully attempting to manipulate hearsay Rules
23 of Evidence. Let me say this: That accusation is wrong.
24 I will consider it his assumption and will not hold it
25 personally against him. But it is my job to cross-examine

Hassman - Recross

1 witnesses.

2 THE COURT: No. You're doing a very good
3 job.

4 MR. TRAFICANT: I think I am, and I think I
5 could be doing better if I had the same standard that you
6 are holding them to, and I've said enough.

7 THE COURT: Okay. You're doing a good job.
8 And we all need a break. And so we'll take a break, and
9 we'll see you back here at 11:00.

10 MR. TRAFICANT: 11:05 I thought you said,
11 your Honor.

12 THE COURT: That's what you said. I'll give
13 you 11:05.

14 MR. TRAFICANT: Thank you.

15 THE COURT: You're welcome.

16 (Thereupon, a recess was taken.)

17 THE COURT: You're still under oath.

18 THE WITNESS: Yes.

19 RECROSS EXAMINATION OF DEANE HASSMAN

20 BY MR. TRAFICANT:

21 Q. The Government asked you about who was really in
22 charge. It was Mr. Denholm and Mr. Pikunas, right?

23 A. I'm sorry. Can you repeat it?

24 Q. Mr. Denholm and Mr. Pikunas were in charge, right?

25 A. They were the primary agents, yes.

Hassman - Recross

1 Q. Who was in charge of the investigation?

2 A. Define "in charge" for me.

3 Q. Who was ultimately the head man of the agency
4 responsible for the Traficant investigation?

5 A. Day-to-day decisions were made by those two agents,
6 and they reported to the supervisor in Youngstown who
7 reported to the supervisor in Cleveland.

8 Q. Now, all the others have case loads, too. They
9 didn't -- these 27 people that you mentioned earlier all
10 have case loads of their own, don't they?

11 A. Including Rich and Mike also have case loads in
12 addition to this case.

13 Q. Did you do any work in the matter of Tyson or Bucci?

14 A. Very little.

15 Q. Did you do any work in the matter of Tyson?

16 A. With respect to Tyson, I don't think so.

17 Q. Bucci?

18 A. I don't think I interviewed any of the Bucci
19 employees. As I sit here, I don't recall interviewing.

20 Q. Anyone connected with them?

21 A. With those two, no.

22 Q. Sinclair?

23 A. I had no involvement with Sinclair.

24 Q. Nemenz?

25 A. No, involvement.

Hassman - Recross

1 Q. Cafaro?

2 A. Other than looking at some of the financial records,
3 I didn't play a material role on it, no.

4 Q. How many cases do you currently have?

5 A. I think seven or eight.

6 Q. How many times have you had 25 to 27 agents on a
7 matter?

8 A. On search warrants, I have probably had as many as 18
9 agents assist me on search warrants.

10 Q. On search warrants?

11 A. Correct, an unrelated case.

12 Q. Did you do any search warrant activity in the
13 Traficant case?

14 A. Search warrants, no.

15 Q. Did you participate in any search in the Traficant
16 case?

17 A. No.

18 Q. Did you go to Miley Road property in North Lima?

19 A. Yes.

20 Q. Was that not a search warrant?

21 A. It was not.

22 Q. To the best of your knowledge, it was not, is that
23 your --

24 A. There was no warrant for the Miley Road property.

25 THE COURT: Can you spell Miley so we can get

Hassman - Recross

1 it?

2 MR. TRAFICANT: M-I-L-E-Y.

3 THE COURT: Thank you.

4 MR. TRAFICANT: North Lima, Ohio

5 BY MR. TRAFICANT:

6 Q. Now, Cleveland agents ever come in and assist you on
7 your case load?

8 A. On my cases? Yes.

9 Q. How many?

10 A. Cases or agents?

11 Q. Agents.

12 A. On one of my search warrants, I had --

13 Q. I'm not talking about search warrant; I'm talking
14 about your case load.

15 A. Some of my cases have overlapped the Cleveland area,
16 and I worked with Cleveland agents on those cases.

17 Q. When they overlap Cleveland?

18 A. Yes.

19 Q. Does the Traficant case overlap Cleveland?

20 A. Not directly.

21 Q. Let me ask you this: Did you ever have 27 agents
22 help you in any case other than the search warrant?

23 A. At one particular time, no.

24 Q. Now, these Cleveland agents, when they came in,
25 aren't they required to go back and do a 302?

Hassman - Recross

1 A. Yes.

2 Q. What is a 302, sir?

3 A. In general terms, it's an interview, a write-up
4 following interview of a witness. The agent then documents
5 that interview.

6 Q. Now, you said that I had called on the phone and was
7 vulgar. Did you hear that conversation taped?

8 A. I have not heard it, no.

9 Q. How do you know I was vulgar to the secretary?

10 A. Because the secretaries relayed that to me.

11 Q. Oh, I see. Wouldn't that be hearsay?

12 A. Yes.

13 Q. Are you familiar with any 302s written by Cleveland
14 agents?

15 A. Indirectly, yes.

16 Q. Who wrote them? What were their names?

17 A. I have no idea because they wouldn't forward them to
18 me for review.

19 Q. Who would have them in their possession?

20 A. The investigative case file.

21 Q. The investigative case file?

22 A. Yes, of this investigation.

23 Q. And if they dealt with a subject in the case,
24 pursuant to your knowledge, would they be made available to
25 me?

Hassman - Recross

1 MR. SMITH: Objection.

2 THE COURT: Sustained

3 BY MR. TRAFICANT:

4 Q. Did you ever see any 302s of a Cleveland agent?

5 A. Only if I pair it up with one on an interview. I
6 don't believe I paired up with any Cleveland agents.

7 Q. Were you familiar with the fact that I paid a
8 personal visit to the FBI office in Youngstown?

9 A. On one occasion, I was present when you came in, yes.

10 Q. Was that recorded?

11 A. To my knowledge, no.

12 Q. Was it videotaped?

13 A. No.

14 Q. What do you recall of that meeting?

15 A. I recall you coming in, my supervisor, and Andy Arena
16 was told that you were there. He went out into the lobby
17 and spoke to you one-on-one in the lobby.

18 Q. Isn't it a fact that first a big fellow came to the
19 window?

20 A. I don't know who went to the window.

21 Q. And wasn't it a fact that Mr. Kroner then later come
22 out?

23 A. I don't have a recollection of that.

24 Q. Wasn't it a fact that I asked at some point to see
25 the director of the agency?

Hassman - Recross

1 A. I wasn't present during the conversation that you had
2 with Andy Arena.

3 Q. Do you know if Mr. Arena met with me?

4 A. I visually saw Andy Arena go in the lobby.

5 Q. Did he have someone come out with him to meet with
6 me?

7 A. Possibly Rich Denholm, but I am not 100 percent
8 certain.

9 Q. And did it not concern the investigation that I was
10 conducting relative to the Youngstown FBI office?

11 A. I don't know the context of your visit.

12 Q. So you mean they don't have no videotape and no
13 recording of the Congressman who comes to the office at
14 all?

15 A. No.

16 Q. Now, basically, you were involved in the Sugar
17 business voluntarily, right?

18 A. Correct.

19 Q. And you'd get assigned to other things from time to
20 time, right?

21 A. Yes.

22 Q. But would you say that your amount of time spent in
23 the Sugar case was basically limited?

24 A. Depends on what calendar time frame you're talking
25 about.

Hassman - Recross

1 Q. Well, about the time that you saw the machinery going
2 out until evidently I was indicted?

3 A. It was one of a number of different cases that I was
4 working on.

5 Q. Um-hum. Did you ever look into the matter of young
6 David Sugar?

7 A. With respect to what matter?

8 Q. The son of Arthur David Sugar, Senior, did you look
9 in the matter of David Sugar, Junior?

10 A. I'm aware of Sugar, Junior. What matter are you
11 referring to.

12 Q. In Licking County?

13 A. Yes.

14 Q. Were you asked to do a summary report to the agency
15 relative to that matter?

16 A. I was not asked, but I prepared a summary time line,
17 yes.

18 Q. So you did do then, not just follow the truck and
19 assist, you voluntarily did this?

20 A. Yes.

21 Q. Did you ever participate in any other types of
22 reports dealing with the Sugar family?

23 A. Interview reports? Certainly, yes.

24 Q. Did you ever do a dissemination of Grand Jury
25 material to the FBI offices?

Hassman - Recross

1 A. I did not.

2 MR. TRAFICANT: 10-2.

3 MR. SMITH: Thank you, sir.

4 MR. TRAFICANT: Mine's marked up, your Honor.

5 THE COURT: Okay.

6 MR. TRAFICANT: So on the bottom, the date
7 and the top transcribed.

8 THE COURT: Here you go, sir.

9 BY MR. TRAFICANT:

10 Q. Now, since I don't have to stand here, could you
11 repeat what that is? You don't have to read it; just
12 identify what it is.

13 A. It's an FBI 302.

14 Q. And what, in fact -- who, in fact, signed it?

15 A. I signed it. I authored it.

16 Q. And would you read what it is?

17 A. It is, as stated in my opening paragraph, the
18 following is a time line prepared by Special Agent Deane
19 Robert Hassman based on information and documents available
20 as of October 2, 2000, regarding Arthur David Sugar and
21 Congressman James A. Traficant, Junior.

22 Q. Yes. Let me have the document.

23 Would you read not the paragraph but the title right
24 underneath Federal Bureau of Investigation?

25 A. Yes. It reads Grand Jury material, disseminated

Hassman - Recross

1 pursuant to Rule 6(e).

2 MR. TRAFICANT: I'm sorry, your Honor, I did
3 put a mark on yours. I'm sorry. I'll give you yours back.

4 THE COURT: Okay.

5 Q. Who authorized you to do a Grand Jury material
6 dissemination form pursuant to Rule 6(e), or was that
7 another voluntary act?

8 A. That was a voluntary act, and that is not a
9 dissemination of Grand Jury material. It is a caution
10 statement to whoever reads it, that they -- that some
11 material in that report was obtained via Grand Jury and was
12 a caution to the reader, to treat the material within that
13 report within the rules of 6(e). It is not a dissemination
14 report.

15 Q. So you did this voluntarily?

16 A. I did. I prepared it for the purpose of the United
17 States Attorney's Office.

18 Q. And you were not involved in any other matter than
19 the Sugar matter; is that correct?

20 A. I assisted in my roles in other aspects of the case,
21 yes, a minor role.

22 Q. What other aspects?

23 A. If some minor details needed to follow-up on, I would
24 try to follow-up on them. If an interview might need to be
25 done, I might do that. If a surveillance needed to be

Hassman - Recross

1 done, I would assist.

2 Q. What surveillance did you assist on?

3 A. Beyond the farm tractor equipment?

4 Q. Yes. I think we already established that.

5 A. I assisted in surveillance that resulted in the
6 arrest of an individual.

7 Q. And who did you have authority to do that?

8 A. There was an authorized arrest warrant from the Court
9 that authorized the arrest. I'm not sure I understand the
10 question.

11 Q. Who was the individual?

12 A. The individual arrested was Clarence Broad.

13 Q. Um-hum. Do you know if he is a witness in this
14 trial?

15 A. I do not.

16 Q. Do you know if he was convicted?

17 A. I --

18 MR. SMITH: Objection.

19 THE COURT: Sustained.

20 BY MR. TRAFICANT:

21 Q. Did you physically arrest the person?

22 A. I did not -- I was not the person who put the
23 handcuffs on, no, but I was on the team involved in the
24 arrest.

25 Q. So there was a team that day?

Hassman - Recross

1 A. Yes, correct.

2 Q. Who was all there that day on the team?

3 A. I don't specifically recall. I can't think of one or
4 two names, but I can think of the team in its entirety.

5 Q. How about the one or two names?

6 A. Joseph Bushner, Richard Denholm, and there were
7 others.

8 Q. And did you help transport the prisoner?

9 A. I did not assist in the transport, no.

10 Q. Who did the surveillance?

11 A. The agents on the arrest team.

12 Q. Did they do it by video?

13 A. No.

14 Q. Do you know if Mr. Broad, Clarence Broad was taped?

15 MR. SMITH: Objection, relevance.

16 THE COURT: You can answer it, if you know.

17 THE WITNESS: Yes, he was taped.

18 Q. Do you know if it was an FBI initiated taping?

19 A. Yes, it was.

20 Q. Do you know who authorized it?

21 A. I believe the SAC in Cleveland.

22 Q. And who's the SAC in Cleveland?

23 A. At that time, it would have been Van Harp.

24 Q. Would not the special agent in charge of Cleveland
25 have some recommendation to have to come from Youngstown,

Hassman - Recross

1 Ohio?

2 A. A request would be made, not a recommendation. A
3 request would be made.

4 Q. Who made the request?

5 A. I don't know.

6 Q. But a request would have had to be made, wouldn't it,
7 sir?

8 A. Normally, yes.

9 Q. Who did transport Mr. Broad?

10 A. Factually would have been two agents. Joe Bushner is
11 the only one I recall being in the car, but I'm not sure
12 who rode with him.

13 Q. Do you, in fact, know who had, in fact, taped
14 Mr. Broad?

15 A. Yes.

16 Q. What agent?

17 A. Greg Cox.

18 Q. Well, you didn't mention Craig Cox before. Now we're
19 up to 28. Where was Craig Cox from?

20 A. An agent from Cleveland.

21 Q. So Craig Cox wore a wire to Mr. Broad, correct?

22 A. That's correct. That's my general understanding,
23 yes.

24 Q. And did you, in fact, take the tape or did -- do you
25 know if anybody took the tape?

Hassman - Recross

1 A. Yes, I did not.

2 Q. You know if it went to Youngstown or to Cleveland?

3 A. I believe it was retained in Youngstown.

4 Q. Was it in regards to -- you know what the tape
5 referred to?

6 A. General context? Yes.

7 Q. General?

8 A. I know general, yes.

9 Q. Was it in relevance to a possible conspiracy to
10 commit murder?

11 A. Yes.

12 Q. Do you know if -- are you familiar with my
13 indictment, sir?

14 A. Generally, yes.

15 Q. Is there any charges of conspiracy to commit murder
16 or involvement in murder in my indictment?

17 A. There is not.

18 Q. Do you know if Mr. Broad is still incarcerated?

19 MR. SMITH: Objection to disposition of any
20 Broad case.

21 THE COURT: You've just asked the question,
22 which shows that there's nothing about this in your
23 indictment. We're talking about your case here.

24 MR. TRAFICANT: Fine.

25 THE COURT: Thank you.

Hassman - Recross

1 Q. Who was Mr. Broad?

2 A. My only general understanding was he was a farm hand
3 that lived at your farm.

4 Q. So the purpose of interviewing Mr. Broad was relative
5 to Jim Traficant, was it not?

6 A. I did not interview him.

7 Q. But the purpose of those who did was relevant to Jim
8 Traficant, was it not?

9 MR. SMITH: Objection to personal knowledge.

10 THE COURT: Okay. You have to ask the
11 person -- you have to have the person on the stand.

12 Q. Craig Cox?

13 A. Yes.

14 Q. Did they give a copy of the tape to the Youngstown
15 office?

16 A. I would assume, yes.

17 Q. Did you hear the tape?

18 A. I did not.

19 Q. Now, you said some of the old calls were redirected
20 to Mr. Van Harp?

21 A. And/or Andy Arena.

22 Q. Wasn't it a fact Mr. Arena referred all calls to Van
23 Harp?

24 A. I don't have personal knowledge of that.

25 Q. Now, as a FBI agent, you work with snitches?

Hassman - Recross

1 A. Define snitches.

2 Q. As an FBI officer, you can't define snitches to the
3 jury?

4 A. I work with people that occasionally cooperate during
5 an investigation, if that's the broad definition of what
6 you're trying to use.

7 Q. Well, there are some people that were cooperative
8 people, and there are some people that you use and
9 continuously use on the street to give you information. Do
10 you have street people to give you information?

11 A. Yes.

12 Q. Is it a street person who gives you information known
13 as a snitch?

14 A. That's not a term I use, no.

15 Q. Fine. But is that term used for someone. Can it be
16 used for someone?

17 A. I've heard the term. I use the term -- in the
18 definition you're trying to give, I use the term
19 cooperating witness.

20 Q. Cooperating witness, even though they may not be
21 involved in what you're investigating, they're a
22 cooperating witness, is that what you're saying?

23 A. You can be involved in no crime, and if you're
24 providing information to me, you could have, in my
25 definition, have the term cooperating witness, yes.

Hassman - Recross

1 Q. So you have been an agent for six years, and you do
2 not have a steady group of cooperating witnesses?

3 MR. SMITH: Objection, Roviario.

4 THE COURT: Sustained.

5 Q. When you went down to Licking County, did you
6 interview anybody down there?

7 A. I personally never went to Licking County.

8 Q. You decided to look at the David Sugar, Junior's case
9 as well then?

10 A. I did some follow-up on that matter, yes, yes.

11 Q. Who directed you to do that?

12 A. Nobody. It was a natural follow-up to earlier
13 information I received. I did it on my own.

14 Q. Now, other than the Craig Cox tape of Mr. Broad, are
15 you familiar with any other FBI tapes that are involved
16 with the Traficant case?

17 A. None that we haven't already discussed that I'm aware
18 of.

19 Q. Did you ever assist at any team -- or how should we
20 say -- staff meetings where tapes were discussed?

21 A. I did not.

22 Q. Did you at any point ask Mr. Sugar to wear a body
23 recorder to Mr. Traficant?

24 A. I never did, no.

25 Q. Were you asked by any of your superiors to have done

Beegle - Direct/Smith

1 that?

2 A. No.

3 MR. TRAFICANT: No further questions at this
4 time.

5 MR. SMITH: No questions.

6 THE COURT: Thank you, sir.

7 MR. SMITH: The Government calls Sue Beegle.

8 THE COURT: There are rules for all trial
9 participants. I'm going to ask that you read them, all of
10 you on the outside of the wall before you come back in this
11 courtroom. These rules are meant to allow us to go
12 forward, not interrupted by distractions, and they're
13 important. Thank you.

14 SUE ANN BEEGLE

15 of lawful age, a witness called by the Government,
16 being first duly sworn, was examined
17 and testified as follows:

18 DIRECT EXAMINATION OF SUE ANN BEEGLE

19 BY MR. SMITH:

20 Q. Ma'am, would you please state your full name, and
21 spell your last name for the Court Reporter?

22 A. Sue Ann Beegle, B-E-E-G-L-E.

23 Q. Where do you live now, Ms. Beegle?

24 A. I live in Lexington, Kentucky.

25 Q. Did you ever live in the Youngstown, Ohio, area or

Beegle - Direct/Smith

1 have any residence there?

2 A. Yes.

3 Q. All right. When?

4 A. I went to Youngstown in August of 1996, and I left in
5 June of 2000.

6 Q. Now, during this time that you were in the Youngstown
7 area, did you maintain more than one residence?

8 A. Yes.

9 Q. Where were your two residences located?

10 A. Okay. One of them was on Middle Town Road for about
11 two years, and the second one was on Western Reserve Road
12 in an apartment.

13 Q. All right.

14 And did you have any other residents where other
15 members of your family lived at that time?

16 A. No, not up there. I had a residence -- I'm sorry. I
17 had a residence at Racine, Ohio, that I went home on
18 weekends.

19 Q. And which place did your family live?

20 A. The family lived in Racine, Ohio.

21 Q. Why were you up in the Youngstown area during the
22 week?

23 A. I was working there.

24 Q. Where?

25 A. Honey Creek Contracting.

Beegle - Direct/Smith

- 1 Q. And who was your boss?
- 2 A. Dave Sugar.
- 3 Q. Senior or Junior?
- 4 A. Senior.
- 5 Q. And what did you do there at Honey Creek?
- 6 A. Okay. Office manager, secretary, bookkeeper.
- 7 Q. Did any of your responsibilities include invoicing
- 8 and receipt of incoming payments?
- 9 A. Yes.
- 10 Q. In what way?
- 11 A. I would get the money in. I would deposit it in the
- 12 bank. I would send out invoices.
- 13 Q. What type of work did Honey Creek do?
- 14 A. Utility contracting, which is waterline and sewer
- 15 line.
- 16 Q. What types of customers did Honey Creek typically
- 17 serve?
- 18 A. Municipalities.
- 19 Q. How much residential work did Honey Creek do?
- 20 A. Very little.
- 21 Q. If you would direct your attention to Government's
- 22 Exhibit 5-8 on the counter in front of you, do you
- 23 recognize that item, ma'am?
- 24 A. Yes.
- 25 Q. And what is it?

Beegle - Direct/Smith

1 A. It's a check from James Traficant, Junior, to Honey
2 Creek.

3 Q. What's the date?

4 A. 12-23-99.

5 Q. And would you describe the circumstances under which
6 you first saw that check?

7 A. It was either sent to me or brought to me, and I
8 deposited it that day.

9 MR. SMITH: May I put this up, your Honor?

10 THE COURT: Yes.

11 Q. All right.

12 Is this a check in the amount of \$1142?

13 A. Yes.

14 Q. Now, prior to this check reaching you and you
15 depositing it, had Honey Creek Contracting ever done any
16 work for Congressman Traficant?

17 A. They had been out to his farm.

18 Q. Prior to the time that you received this check, had
19 any invoice been sent out by Honey Creek for the work that
20 had been done?

21 A. No.

22 Q. Were you expecting to receive this check when you got
23 it?

24 A. Not really because sometimes when Dave did small
25 jobs, I never expected to get the money back in.

Beegle - Direct/Smith

1 Q. Was there any file or anything created with respect
2 to this work at the Congressman's farm before you got this
3 check?

4 A. No.

5 Q. Now, if you'd next turn your attention to
6 Government's Exhibit 5-9, do you recognize that item?

7 A. Yes.

8 Q. What is it?

9 A. It's an invoice made out to James Traficant.

10 Q. And --

11 A. And it -- I'm sorry.

12 Q. Sorry. I shouldn't have interrupted you.

13 A. Okay. It just shows the work that was done and where
14 he paid by check.

15 Q. Now, first of all, who created this document?

16 A. I typed it, but it was given to me on a sheet of
17 paper by David Sugar.

18 MR. SMITH: Could I put this up, your Honor?

19 THE COURT: Yes.

20 BY MR. SMITH:

21 Q. Generically, describe what kind of document is this.

22 MR. TRAFICANT: Could you blow it up?

23 MR. SMITH: I will in a minute.

24 Q. What type of document is this?

25 A. An invoice.

Beegle - Direct/Smith

- 1 Q. Thank you. And what is this an invoice for?
- 2 A. This is for work done on the farm.
- 3 Q. When?
- 4 A. I'm not sure. There's no date on it.
- 5 Q. Well, when does the document indicate work was done?
- 6 A. This says April the 9, April the 29th, and April the
- 7 30th.
- 8 Q. Would you describe the circumstances under which you
- 9 first created this document?
- 10 A. Dave Sugar brought in a piece of paper and said type
- 11 up this document.
- 12 Q. And what kind of sheet of paper did Dave Sugar give
- 13 you?
- 14 A. A yellow sheet of paper.
- 15 Q. What did that yellow sheet of paper have on it?
- 16 A. It was written out like this. All I did was type it.
- 17 Q. Did you verify the accuracy of any of the information
- 18 that Dave Sugar gave you?
- 19 A. No.
- 20 Q. What happened to the yellow sheet of paper?
- 21 A. It got thrown away.
- 22 Q. When was this document created in relation to the
- 23 check that you looked at, Government's Exhibit 5-8?
- 24 A. This document was after we received the check.
- 25 Q. Did Honey Creek Contracting do any work for

Beegle - Direct/Smith

1 Congressman Traficant in the Year 2000?

2 A. I'm not sure exactly.

3 Q. All right. Did you create any documents relating to
4 work purported to have been done in Year 2000?

5 A. Yes.

6 Q. And if you would direct your attention to
7 Government's Exhibit 5-13(7) in the stack --

8 A. 7?

9 Q. Yes. 5-13(7) in the stack.

10 A. Yes.

11 Q. All right. Do you have that?

12 A. Yes, I do.

13 Q. Do you recognize it?

14 A. Yes.

15 Q. And what is it?

16 A. This is another invoice, dated March the 8th of 2000
17 and March the 27th of 2000.

18 Q. All right. And what does that purport to be an
19 invoice for?

20 A. For work done at the farm.

21 Q. Who created this document?

22 A. I typed it. Dave gave it to me on a sheet of paper.

23 MR. SMITH: May I put this up, your Honor?

24 THE COURT: Could you give the number again?

25 MR. SMITH: 5-13(7).

Beegle - Direct/Smith

1 THE COURT: Thank you. Yes.

2 BY MR. SMITH:

3 Q. Now, this sheet of paper that you just referred to --

4 A. Yes.

5 Q. -- what type of paper was that?

6 A. It was a yellow sheet of paper.

7 Q. And what was on that yellow sheet of paper?

8 A. It was written out just like this, and I typed it
9 just like this.

10 Q. Did you verify the accuracy of any of the information
11 that David Sugar, Senior gave you on that sheet of paper?

12 A. No, I did not.

13 Q. What happened to that piece of paper after you typed
14 the invoice?

15 A. It got thrown away.

16 Q. And do you know whether or not this document was
17 initially -- withdrawn.

18 Is there a date at the top of this document?

19 A. Yes. It says March 31st of 2000.

20 Q. Do you know when this document was actually first
21 created?

22 A. The only way I know is from the computer.

23 Q. All right. And if you'd look at Government's Exhibit
24 5-13 -- excuse me, 5-14(2) on the counter before you --

25 A. Yes.

Beegle - Direct/Smith

1 Q. -- does that document indicate the day the document
2 was first created?

3 A. Yes, it does.

4 Q. What's that date?

5 A. April the 3rd of 2000.

6 Q. Do you have any explanation for why the document
7 bears the date of March 31, 2000, which is before the date
8 of creation on the computer screen?

9 A. That's what I was told to put on there.

10 Q. By whom?

11 A. David Sugar.

12 Q. Directing your attention to May the 18th of 2000,
13 were you at work that day?

14 A. Yes, I was.

15 Q. And did you have -- were you working in the late
16 afternoon that day?

17 A. Yes, I was.

18 Q. Was there any reason -- withdrawn.

19 MR. TRAFICANT: Is that May 18th?

20 MR. SMITH: Yes, sir.

21 Q. Did you have anywhere to go after work that day?

22 A. Yes, I did. I was going back to Racine, Ohio, which
23 is a four-hour drive, and I had -- then I had a doctor's
24 appointment the next morning so I wanted to get there as
25 soon as possible.

Beegle - Direct/Smith

1 Q. Late in the day, did you receive any telephone
2 communication from anyone?

3 A. I received a call, if I'm not mistaken, from the FBI.
4 I passed that call on to David Sugar.

5 Q. All right. Do you remember approximately what time
6 of day that call came in?

7 A. About 15 or 20 minutes till 5:00, something like
8 that.

9 Q. And you patched that call through to who?

10 A. David Sugar.

11 Q. Senior or Junior?

12 A. Senior.

13 Q. When did you next see David Sugar, Senior?

14 A. About as soon as he was through talking on the phone.

15 Q. All right. What did David Sugar, Senior do?

16 A. He came into my office.

17 Q. And what happened?

18 A. Okay.

19 He wanted me to change these invoices.

20 Q. All right. And directing your attention back to
21 Government's Exhibit 5-9, did you change that invoice?

22 A. Yes, I did.

23 Q. How did you change it?

24 A. I took the check off the bottom and the balance due.

25 Q. All right. So to be very specific, would you read

Beegle - Direct/Smith

1 specifically the line items that you eliminated from this
2 document?

3 A. Yes. Check paid, Number 3049, for \$1,142, balance
4 due as of 12-31-99, \$1,222.40.

5 Q. Are those the items that you deleted?

6 A. Yes.

7 Q. At whose direction did you do that?

8 A. David Sugar's.

9 Q. With the document that resulted from that process of
10 deletion, did you do anything else? Specifically, I'm
11 directing your attention to Government's Exhibit 5-13(2),
12 5-13(3), 5-13(4).

13 Do you need me to come up and help?

14 A. Yes. I'm just -- let me see what I'm --

15 Q. 2, 3 and 4?

16 A. Oh -- all I did was -- oh, okay.

17 Q. These are the ones?

18 A. All right.

19 Q. Ma'am, do you recognize those three documents?

20 A. Yes.

21 Q. All right.

22 And what are they?

23 A. It's a copy of the same document, which would be
24 Exhibit 5-13(1).

25 Q. All right. Let's go to 5-13(1). What is 5-13(1)?

Beegle - Direct/Smith

1 A. It was an invoice that we originally made. The dates
2 on it are April 9th, April 29th, and April 30th.

3 Q. When did you actually prepare -- or first prepare
4 Exhibit 5-13(1)?

5 A. That would have been the day May the 18th.

6 Q. All right.

7 And you prepared Exhibit 5-13(1) from what other
8 document -- let me withdraw it. Let me ask it this way.
9 Would you take Exhibit 5-39 and compare it to Exhibit
10 5-13(1)?

11 A. Okay. Yes.

12 Q. What is the difference between Exhibit 5-9, and
13 Exhibit 5-13(1)?

14 A. Okay.

15 The difference is the bottom part was taken off,
16 paycheck, \$3,049 for \$1,142, the balance due as of
17 12-31-99, \$1,222.40 was taken off.

18 Q. All right. So when you deleted the information off
19 of 5-9, did Exhibit 5-13(1) result?

20 A. Yes.

21 Q. All right.

22 What did you do with Exhibit 5-13(1) at that point?

23 A. Made copies of it.

24 Q. All right.

25 And going back now to Exhibits 5-13(2), 5-13(3), and

Beegle - Direct/Smith

1 5-13(4), do you have those in front of you?

2 A. Yes.

3 Q. What are those?

4 A. The same as the first.

5 Q. Are those the copies you made off 5-13(1)?

6 A. Yes.

7 Q. Your answer?

8 A. Yes, I'm sorry.

9 Q. Okay.

10 And what did you then do with those three documents?

11 A. Then I wrote when they were supposedly mailed across
12 the top of them.

13 Q. All right.

14 MR. SMITH: Your Honor, may I display
15 5-13(2)?

16 THE COURT: Yes.

17 Q. Showing you that exhibit, would you please tell the
18 jury what it is that you wrote on that document?

19 A. Mailed June the 30th.

20 Q. And was that document, in fact, mailed on June the
21 30th of 1999?

22 A. No.

23 Q. Turning to Exhibit 5-13(3), did you also prepare this
24 document?

25 A. Yes.

Beegle - Direct/Smith

1 MR. SMITH: May I put it up, your Honor? May
2 I put it up, your Honor?

3 THE COURT: Yes.

4 BY MR. SMITH:

5 Q. Is there any handwriting of yours on that document?

6 A. Yes.

7 Q. Where?

8 A. At the top, mailed August the 27th.

9 Q. Was that document actually mailed on August the 27th
10 of 1999?

11 A. No.

12 Q. Turning to Exhibit 5-13(4), did you prepare that
13 document?

14 A. Yes.

15 MR. SMITH: May I put it up, your Honor?

16 THE COURT: Yes.

17 BY MR. SMITH:

18 Q. Is there any handwriting of yours on that document?

19 A. Yes, mailed October the 29th.

20 Q. Was that document actually mailed out on October
21 29th, 1999?

22 A. No, it was not.

23 Q. Turning next to Government's Exhibit 5-13(5), and
24 5-13(6), do you have those two documents?

25 A. Yes, I do.

Beegle - Direct/Smith

1 Q. Who created those documents?

2 A. I did.

3 Q. At whose instruction?

4 A. Dave Sugar's.

5 Q. When did you create these documents?

6 A. Same day.

7 Q. All right.

8 And is there handwriting of yours on these documents?

9 A. Yes, there is.

10 MR. SMITH: Your Honor, may I put up 5-13(5)?

11 THE COURT: Yes.

12 Q. Would you read to the jury the handwriting of yours?

13 A. Mailed 3-31-00, 2000.

14 Q. Was this actually mailed out on March 31st of 2000?

15 A. No, it was not.

16 Q. And Exhibit 5-13(6), does that contain any
17 handwriting of yours on it?

18 A. Yes, it does.

19 Q. All right.

20 Did you create that document?

21 A. Yes.

22 MR. SMITH: May I put it up, your Honor?

23 THE COURT: Yes.

24 Q. Would you please read to the jury the item that you
25 handwrote?

Beegle - Direct/Smith

- 1 A. 4-27-2000.
- 2 Q. Was that actually mailed on 4-27-2000?
- 3 A. No, it was not.
- 4 Q. After creating those documents, Government's Exhibit
- 5 5-13(2) through (6) inclusive, what did you do with those
- 6 documents?
- 7 A. Put them in a file.
- 8 Q. All right.
- 9 A. But --
- 10 Q. All right. And did you give them to anybody?
- 11 A. I gave them to David Sugar.
- 12 Q. Senior or Junior?
- 13 A. Senior.
- 14 Q. And what did you then do that day?
- 15 A. I left and went to Racine.
- 16 Q. Directing your attention to May the 23rd, 2000, which
- 17 is five days later than the day we've been talking about,
- 18 were you working that day?
- 19 A. Yes.
- 20 Q. Did you receive any Government visitors that day?
- 21 A. Yes.
- 22 Q. Who?
- 23 A. Two FBI agents.
- 24 Q. Did the agents question you about the mailing of the
- 25 invoices that we have discussed?

Beegle - Direct/Smith

1 A. Yes.

2 Q. Did you tell them the truth?

3 A. Yes.

4 Q. Initially?

5 A. No.

6 Q. Tell us what you told them initially.

7 A. I told them I mailed them.

8 Q. On the dates indicated?

9 A. Yes.

10 Q. And then did you later change what you told the
11 agents?

12 A. Yes.

13 Q. Was there any particular reason why you didn't tell
14 the agents the truth initially?

15 A. I was told to tell them I mailed them the date they
16 were mailed.

17 Q. Who told to you do that?

18 A. David Sugar.

19 Q. Senior or Junior?

20 A. Senior.

21 MR. SMITH: May I have a moment, your Honor?

22 THE COURT: Yes.

23 BY MR. SMITH:

24 Q. On that day, May 23rd, did you and the agents look at
25 your computer at all?

Beegle - Direct/Smith

1 A. Yes.

2 Q. And were records taken off your computer that day and
3 printed out?

4 A. Yes.

5 Q. And did the agents give you a subpoena to do that?

6 A. Yes.

7 Q. What caused you to change your story with the agents
8 initially, lying and telling them something else?

9 A. Because I'd rather tell the truth than I would -- I
10 didn't want to lie about it, so I told the truth.

11 MR. SMITH: No further questions, your Honor.

12 THE COURT: Okay. Congressman, it's almost
13 12:00 according to my unreliable clock.

14 MR. TRAFICANT: I would -- I'm going to be a
15 little --

16 THE COURT: Should we take a break here?

17 MR. TRAFICANT: I wouldn't be done in five
18 minutes, and I would recommend we let the jurors leave.

19 THE COURT: We'll let you go for lunch.
20 We'll see you again at 1:30. Remember your admonitions --
21 oh, it's Friday. No, we won't see you. See, we have to
22 work. Okay. All right. Wait a minute, wait a minute. We
23 will see you on Monday at 9:00. Okay? Now, I want to go
24 over your admonitions with you. You'll be away for a
25 little while.

Beegle - Direct/Smith

1 Don't let anyone approach you, and you know who to
2 call if anybody puts the pressure on you. Don't talk to
3 anyone. Don't let anyone talk to you about this case or
4 any aspect of it. Don't watch anything or read anything or
5 listen to anything or go on line and get any information
6 about this case because you and I are the Court in this
7 case.

8 And so these important admonitions, ancient ones,
9 hard to live by, nonetheless need to be maintained by all
10 of us, and I appreciate all your attention to these as well
11 as your attention during normal proceedings. Enjoy your
12 weekend. Otherwise, put this aside and go back to your
13 families and your lives. Thank you.

14 (Proceedings in the absence of the jury:)

15 THE COURT: The lawyers can come at quarter
16 of 9:00 unless something develops. Then come in at 8:30 if
17 something comes up that we need to pay attention to before
18 we proceed. Okay.

19 MR. SMITH: Yes, your Honor.

20 MR. TRAFICANT: Thank you, your Honor.

21 THE COURT: Thank you very much.

22 (Proceedings adjourned.)

23

24

25

Beegle - Direct/Smith

1	DIRECT EXAMINATION OF DEANE HASSMAN.....	2670
2	CROSS-EXAMINATION OF DEANE HASSMAN.....	2698
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5	DIRECT EXAMINATION OF SUE ANN BEEGLE.....	2766

6 C E R T I F I C A T E

7 I certify that the foregoing is a correct
8 transcript from the record of proceedings in the
9 above-entitled matter.

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